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European Approaches to Homeland Security and Counterterrorism

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Kristin Archick, Coordinator;
Carl Ek, Paul Gallis, Francis T. Miko, and Steven Woehrel
Foreign Affairs, Defense, and Trade Division

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Summary

The September 11, 2001 terrorist attacks on the United States and the subsequent attacks on European countries such as the United Kingdom and Spain have prompted both sides of the Atlantic to reinvigorate their respective efforts to ensure homeland security and combat terrorism. However, U.S. and European approaches to these issues differ. While the United States has embarked on a wholesale reorganization of its domestic security and border protection institutions, European countries have largely preferred to work within their existing institutional architectures to combat terrorism and respond to other security challenges and disasters, both natural and man-made.

This report examines homeland security and counterterrorist measures in six selected European countries: Belgium, France, Germany, Italy, Spain, and the United Kingdom. None of these European countries currently has a single ministry or department equivalent to the U.S. Department of Homeland Security. In most of these countries, responsibility for different aspects of homeland security and counterterrorism is scattered across several ministries or different levels of government.

Different countries maintain different priorities in spending for homeland security, but most have devoted increased funds over the last several years to intelligence and law enforcement efforts against terrorism. Funding for measures to strengthen transport security, improve emergency preparedness and response, counter chem-bio incidents, and protect critical national infrastructure are more difficult to determine and compare among the countries, given that responsibility for these various issues is often spread among the budgets of different government ministries. Some critics suggest that the Europeans have been slow to bolster domestic protection efforts beyond the law enforcement angle. Others contend that European governments have sought to integrate counterterrorism and preparedness programs into existing emergency management efforts, thereby providing greater flexibility to respond to a wide range of security challenges with often limited personnel and financial resources.

Some U.S. policymakers and Members of Congress are taking an increasing interest in how European countries are managing homeland security issues and emergency preparedness and response, in light of both recent terrorist activity and Hurricane Katrina, which devastated the U.S. Gulf Coast in August 2005. In seeking to protect U.S. interests at home and abroad, many U.S. officials recognize that the actions or inaction of the European allies can affect U.S. domestic security, especially given the U.S. Visa Waiver Program, which allows nationals of many European states to travel to the United States without a visa or other checks on their identities. Some experts suggest that greater U.S.-European cooperation in the field of homeland security is necessary in order to better guarantee security on both sides of the Atlantic. This report will not be updated. For more information, also see CRS Report RL31612, *European Counterterrorist Efforts: Political Will and Diverse Responses in the First Year After September 11*, coordinated by Paul Gallis.

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European Approaches to Homeland Security and Counterterrorism

Introduction

The September 11, 2001 terrorist attacks on the United States and the subsequent attacks on European countries such as the United Kingdom and Spain have prompted both sides of the Atlantic to reinvigorate their respective efforts to ensure homeland security and combat terrorism. However, U.S. and European approaches to these issues differ. While the United States has embarked on a wholesale reorganization of its domestic security and border protection institutions, European countries have largely preferred to work within their existing institutional architectures to combat terrorism and respond to other security challenges and disasters, both natural and man-made.

This report examines homeland security and counterterrorist measures in six selected European countries: Belgium, France, Germany, Italy, Spain, and the United Kingdom. None of these European countries currently has a single ministry or department equivalent to the U.S. Department of Homeland Security. In most of these countries, responsibility for different aspects of homeland security and counterterrorism is scattered across several ministries, and inter-governmental cooperation plays a key role in addressing threats and challenges to domestic security. In some countries, such as the UK, Germany, and Belgium, responsibility for homeland security affairs is also split among federal and regional or state governments.

The approaches of many European countries to protecting their publics and infrastructure have grown out of decades of experience in dealing with domestic terrorist groups, such as the IRA in the UK, the Basque terrorist movement ETA in Spain, or the anarchist Red Army Faction in Germany. Even after the terrorist attacks of the last few years, European countries have continued to view combating terrorism primarily as a task for law enforcement and intelligence authorities. Some critics suggest that many European countries have been slow to bolster domestic protection efforts, reduce societal vulnerabilities, strengthen border controls and transport security, and push the defense of European territory as far out as possible. Others contend that European governments have sought to integrate counterterrorism and preparedness programs into existing emergency management efforts, thereby providing greater flexibility to respond to a wide range of security challenges with often limited personnel and financial resources.

European parliamentary systems influence government decisions regarding homeland security policy and budgetary priorities. In the UK, for example, the government has a parliamentary majority and as a result, the government's proposed

budgetary levels are not usually contested in the same way as they often are in the United States. A strong executive in France largely directs homeland security efforts with minimal parliamentary oversight. Spending priorities in the different countries vary, but most have devoted increased funds over the last several years to intelligence and law enforcement efforts against terrorism. Funding for measures to strengthen transport security, improve emergency preparedness and response, counter chem-bio incidents, and protect critical national infrastructure are more difficult to determine and compare among the countries, given that responsibility for these various issues is often spread among the budgets of different government ministries.

All of the countries discussed in this report are members of the European Union (EU), which in the years since September 11 has sought to boost police and judicial cooperation among its 25 member states, bolster external border controls, and harmonize immigration and asylum policies. Some analysts believe, however, that the EU should take a more active role in ensuring European homeland security, given the EU's largely open borders and the accession of central European countries that border less stable regions such as the Balkans. They also argue that more extensive EU efforts to coordinate homeland security affairs would help bring order and greater coherence to the myriad of government institutions engaged in protecting domestic security within each EU member state, and encourage common security and budgetary priorities among all members. Some have proposed that the EU should establish at a minimum a "homeland security czar" similar to its recently appointed counterterrorism coordinator. Other experts are skeptical that member states would be willing to cede greater sovereignty to the Union in the area of domestic security, which is central to national authority.

Similar to the United States, European countries are also struggling to find the appropriate balance between measures to improve security and respect civil liberties. In the UK, there has been vigorous debate on such issues. Germany, Spain, and Italy have traditionally guarded civil liberties strongly in light of their histories with authoritarian regimes, but recent terrorist activity has prompted greater discussion of strengthening measures to ensure domestic security. While France has long championed civil liberties such as free speech and freedom of religion, French society also emphasizes the need for public order and has taken steps to enhance security since September 11.

Some U.S. policymakers and Members of Congress are taking an increasing interest in how European countries are organizing and managing homeland security issues and emergency preparedness and response, in light of both recent terrorist activity and Hurricane Katrina, which devastated the U.S. Gulf Coast in August 2005. In seeking to protect U.S. interests at home and abroad, many U.S. officials recognize that the actions or inaction of the European allies can affect U.S. domestic security, especially given the U.S. Visa Waiver Program, which allows nationals of many European states to travel to the United States without a visa or other checks on their identities. Some experts suggest that greater U.S.-European cooperation in the field of homeland security is necessary in order to better guarantee security on both sides of the Atlantic.

Belgium[1]

Belgian Homeland Security/Counterterrorism Efforts: Background

After the terrorist attacks of 9/11, an American official characterized Belgium's political will to cooperate in the global war on terrorism as "fairly strong," chiefly because it is linked to Belgium's self-interest: the Belgians do not want any terrorist activity to occur on their territory.[2] Because the European Union (EU) and NATO are headquartered in their country, the Belgians are sensitized to the terrorist threat but they are said to be anxious over whether they have sufficient resources to protect personnel at the two institutions.

Some analysts believe that the Belgians' ability to deliver on their promises is at times somewhat challenged, and that any type of domestic "coordination" is problematic in Belgium's federated system of government, in which policies must navigate the shoals of several levels of government and three official languages. In addition, Belgium's domestic political dynamics act as something of a constraint on cooperation; the ethnic mistrust between the Dutch-speaking Flemings and the French-speaking Walloons complicates matters. Finally, some observers believe that Brussels tends to place a great deal of emphasis on process, and, as a result, the government is slow and bureaucratic.

Belgium showed early leadership in coordinating international counterterrorist activities. At the time of the September 11 attacks, Belgium held the revolving presidency of the European Union. Shortly thereafter, police and anti-terrorist officials from Germany, the Netherlands, and France met with their Belgian counterparts in Brussels to discuss efforts to share information and coordinate counterterrorist strategy. In addition, Belgium pushed within the Union for acceptance of EU-wide fast-track extradition procedures for serious crimes. Like other EU countries, however, Belgium has refused to deport suspected terrorists to countries where they might face the death penalty. In 1987, Belgium and the United States signed a bilateral extradition treaty. A mutual legal assistance treaty signed the following year expedites communications by permitting requests to bypass standard diplomatic channels and be made directly between the U.S. Department of Justice and the Belgian Ministry of Justice. Extraditions may now be sought using a "provisional arrest request pending extradition," and are conducted in accordance with a Mutual Legal Assistance Treaty signed in January 2004.[3]

In June 2002, the U.S. and Belgian governments initialed an agreement permitting U.S. Customs agents to be stationed in the seaport of Antwerp, where they

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[1] Prepared by Carl Ek, Specialist in International Relations, Foreign Affairs, Defense, and Trade Division.

[2] For additional information on Belgium's post — 9/11 response, see CRS Report RL31612, *European Counterterrorist Efforts: Political Will and Diverse Responses in the First Year After September 11*, coordinated by Paul Gallis.

[3] Information provided by an official of the Belgian embassy. March 2006.

work with Belgian officials to screen freight containers to be loaded on vessels bound for the United States. The accord is part of the Bush Administration's Container Security Initiative (CSI), under which foreign ports are checked to prevent shipment to the United States of weapons of mass destruction.

However, Belgium's laws on security-related matters have proved controversial in the past. For example, the two suicide bombers who assassinated former Afghan Northern Alliance leader Ahmed Shah Massoud on September 9, 2001, were found to be carrying Belgian passports. Until 1998, Belgian passports were issued by municipal officials, and an estimated 3,500 passports were stolen annually from poorly-guarded city halls. After the United States applied pressure, even indicating that it might begin requiring visas for Belgians, the country centralized its passport issuance process.[4] In 2004, Belgium became the first country to introduce biometric-based electronic passports; the new travel documents are compliant with both U.S. and EU requirements.[5]

In addition, in 2001, an article in the *Wall Street Journal* criticized Belgium for having "some of the weakest antiterrorism laws in the European Union[,] ... making it popular among terrorists as a place to hide out and plan attacks." Citing Belgian sources, the article maintained that, because Belgium had not suffered directly from terrorist acts in the recent past, Brussels had largely relegated the terrorism issue to a back burner in the 1980s. In an editorial, the newspaper singled out Belgium as "simply the only country whose elected officials have failed to ensure that the bureaucracy does not provide an obstruction to broader interests."[6] Belgium has since taken steps to address some of these issues. In 2003, the legislature passed the Terrorist Offence Act, which amended the criminal code by introducing definitions relating to terrorism, and spelling out punishment for belonging to or aiding terrorist groups. In 2004, Belgium passed a law addressing the financing of terrorism, and the following year approved legislation creating the legal framework for special anti-terrorist investigations.[7]

Policies, Budget, and Institutional Structure[8]

Belgium's approach to homeland security is less unified than that which was adopted after 9/11 by the United States; it has no counterpart to the U.S. Department of Homeland Security. Individual components of homeland security, counter-terrorist, and emergency management responsibilities are spread throughout the government; different agencies look at various issues; for example, one group

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[4] "Not Only Masood Killers Had Stolen Belgian Passport." *Reuters*. September 17, 2001.

[5] Testimony of Rudi Veerstraeten, Director General for Consular Affairs, Belgium Ministry of Foreign Affairs, before the House Judiciary Committee. April 20, 2005.

[6] "'Back Office' For Terrorism? Belgium Scrambles To Close Loopholes In Security Laws," by Dan Bilefsky and Philip Shishkin. *Wall Street Journal*. October 9, 2001. "Belgium's War Effort." Editorial. *Wall Street Journal*. October 8, 2001.

[7] Based on communication from State Department official. March 2006.

[8] Background for this and other sections of the memorandum is based in part on information provided by officials of the U.S. embassy in Brussels.

handles threat assessment, while another one is responsible for intelligence gathering, and border control and financial questions are handled by two other ministries.

Belgium's prime minister has the main responsibility for the country's antiterrorism policy. The Council of Ministers handles the development of strategic policy toward counterterrorism; any differences of opinion are ironed out by the Ministerial Committee on Intelligence and Security; in which various ministries participate. The Committee is chaired by the Prime Minister. In all its law enforcement activities, Belgium places a strong emphasis on civil rights. Government ministers propose policy priorities for their own departments, subject to the final approval of the Council of Ministers.

As noted earlier, the attacks of 9/11 made counterterrorism and emergency preparedness a priority in Belgium; the subsequent terrorist bombings in Madrid and London heightened Belgium's sense of vulnerability and reinforced the need for greater homeland security. Nonetheless, in terms of priorities, terrorism is placed on a par with drug and human trafficking and other criminal activities. Accordingly, actions to counter terrorism are regarded as the responsibility of the police.

Most homeland security policy implementation is coordinated out of two ministries: the Ministry of the Interior, and, to a lesser extent, the Ministry of Justice. Investigations are conducted either by the police, or by a federal magistrate.

Budgetary resources and funding policy priorities for various homeland security-related activities are determined by the relevant government ministries, in consultation with the parliament and the Finance and Budget Ministries.[9] The Ministries' funding levels are also subject to the approval of the Council of Ministers. Like all government activities, funding for homeland security-related functions are negotiated among a four-party governing coalition of mixed ethnicity (French/Flemish) and ideology. In 2002, Belgium spent a total of 4,109 million euros — an estimated 1.6% of GDP — on public order and safety functions.[10] Spending on counter-terrorism activities has expanded in recent years to cover funding for a new intelligence and policing agency (OCAM/CODA — see below) and the addition of seven magistrates who will conduct investigations related to counterterrorism.

Belgium's Homeland Security Functions and Agencies

Civil Defense. The lead Belgian agency for emergency response is the General Directorate of Civil Defense. It was created by royal decree in 1954 as an agency to manage emergencies in wartime. However, as the threat of war

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[9] Belgium: General Directorate of Civil Defence. International Civil Defence Directory. Website of International Civil Defence Organisation: [http://www.icdo.org/pdf/struc/belgium-en.pdf].

[10] *Protecting the European Homeland: The CBR Dimension*. Chaillot Paper No. 60. By Gustav Lindstrom. EU Institute for Security Studies. July, 2004. p. 64. This aggregate figure includes spending on "police services, fire-protection services, law courts, prisons, R&D for public order and safety, and other expenditure categories not already included."

diminished, the directorate was modified and strengthened in subsequent legislation and decrees to account for specific activities in a number of areas, including disaster relief assistance, fire fighting, and protection against nuclear radiation. The Directorate is part of the federal Ministry of the Interior, and is headquartered in Brussels. The Directorate coordinates activities among federal ministries and among the various levels of government — down to the municipal level. It also develops plans for dealing with federal emergencies and sets training and operational standards. The Directorate of Civil Defense does not have direct responsibility for countering terrorism. In the event of a major act of terrorism, the Directorate, along with the Crisis Center (see below), would be responsible for emergency response and communications with the populace.[11]

In 1988, the Governmental Coordination and Crisis Center was created to gather and analyze information about and provide continuous monitoring of accidents and other emergencies. It is one of five divisions of the Interior Ministry. Its total staffing is 770, including 120 in Brussels and 650 spread among six operational units around the country; it can also draw from a pool of 1500 volunteers as needed. When either a man-made or natural disaster occurs, the Center coordinates the response of government agencies at all levels. Depending upon the scope of the disaster, the Center provides federal assistance to mayors (if it is a relatively minor event), and to governors (if the disaster is confined to a single province). The Crisis Center also is the Belgian government's main agency for responding to a terrorist event.

Professional and volunteer civil defense staff receive training at the Royal School of Civil Defense in Grez-Doiceau, in the centrally-located province of Walloon Brabant. Training centers for firefighting are located in each of Belgium's ten provinces.

Federal Police. Belgium's national police force is part of the Ministry of the Interior. One author has noted that, after World War II, many European countries deliberately chose not to strengthen their police forces, and that "[i]n Belgium, policing was divided between two types of law enforcement institutions, one Walloon in orientation and the other Flemish, with neither being considered especially capable, or able to exercise control over all parts of the country."[12]

In recent years — particularly since the terrorist attacks of 9/11 — efforts have been made to consolidate and improve Belgium's federal police force. Today, Belgium has one integrated police force, but no gendarmerie. The force is divided into five sections, which are responsible for administrative, judicial, and operational support, as well as human resource and materiel matters. The administrative police handle border controls and transportation security. The judicial police cover economic and organized crime, forensics, and other activities. The office of the operational support police is the national contact point for international liaison (including Interpol) and special units (e.g., SWAT teams). There are approximately

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[11] *Protecting the European Homeland: The CBR Dimension*. p. 79. And: International Civil Defence Directory. pp. 2-3.

[12] *Transatlantic Homeland Security*. Anja Dalgaard-Nielsen and Daniel Hamilton. Eds. Routledge. New York. 2006. p. 110.

15,000 officers serving in the federal force, and about 28,000 employed by nearly 200 police departments at the local level.[13]

In 1994, Belgium created a cadre of international liaison officers of the federal police. Stationed in more than a dozen foreign capitals (including Washington, D.C.), the liaison officers cooperate with foreign governments on both law enforcement and judicial matters. For example, they share information relating to cases of terrorism, and facilitate extradition procedures.

Intelligence. Anti-terrorist and homeland security intelligence is handled by the civilian intelligence agency — the State Security and General Intelligence Service under the Ministry of Justice. The Ministry of Defense's intelligence service may only be called into play when there is a military aspect to a certain case. The two agencies have a protocol agreement on the exchange of information.

Threat analysis is performed by a new agency, the OCAM/CODA (*Organe de coordination pour l'analyse de la menace/Coördinatieorgaan voor de dreigingsanalyse*). This organization, which is expected to be fully operational in a year, is an umbrella group that coordinates intelligence and policing efforts from around the government. It replaces a similar agency, but has wider scope and a larger budget. It facilitates information sharing among all government agencies tasked with combating terrorism. It collects information from various organizations (including state security, intelligence and police services, customs, the transportation office, the treasury, and the Ministry of Foreign Affairs), and conducts threat analyses based on this information.

Belgium has also demonstrated an interest in wider sharing of intelligence within Europe. After the March 2004 terrorist bombings in Madrid, Belgium joined Austria in proposing the establishment of a European intelligence agency, but other EU members opposed this initiative on national sovereignty grounds.[14]

Counterterrorism. A 2002 RAND study[15] identified four agencies that work in the counterterrorism field: 1) the Department of Terrorism and Sects of the Federal Police, responsible mainly for coordinating activities relating to the Turkish Kurd issue, terrorism, and religious sects; 2) the mixed anti-terrorist group, a small group, supervised by the Justice and Interior Ministries, that collects and analyzes information for the development of policy and legislation (this group has since been replaced by the OCAM/CODA); 3) State Security, which handles intelligence and security matters in several areas, including terrorism, proliferation, and organized crime; and 4) the Terrorism and Public Order Service of the Federal Police, a deliberately low-profile group of about 40 field staff with wide-ranging responsibilities. In addition, the Customs and Excise Department is responsible for

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[13] Information provided by an official of the Belgian embassy. March 2006.

[14] "EU Nations Vow To Step Up Fight Against Terrorism, But Stay Away From an EU CIA." *Associated Press*. March 19, 2004.

[15] *Quick Scan of Post 9/11 National Counter-Terrorism Policymaking and Implementation in Selected European Countries.* RAND Europe. MR-1590. May 2002.

the prevention of arms trafficking. The Crisis Center, as mentioned above, is the principal agency for monitoring and responding to a terrorist event.

Two organizations are responsible for investigating and preventing the financing of terrorism. The Financial Information Processing Unit, an independent agency supervised by the Finance and Justice Ministries, collects and analyzes financial data about possible terrorist linkages. The Treasury, part of the Federal Public Finance Department, is responsible for freezing assets belonging to terrorists. In addition, Belgium is a member of the international Financial Action Task Force on Money Laundering, a 31-country organization formed by the G-7 in 1989 to combat money laundering.

The Federal Police and the Customs office (an agency of the Finance Department) are responsible for border security, while the Ministry of Transportation is tasked with handling the technical side of transportation security.

Potential chemical, biological, radiological, and nuclear (CBRN) threats from abroad — by governments or non-state actors — are assessed by the Ministries of Defense and Foreign Affairs. OCAM/CODA, State Security, and the federal police are charged with CBRN threat analysis and prevention. Nuclear power plant security is split between the Interior Ministry and the Sub-directorate for Energy of the Ministry for Economics.

France[16]

Background

France does not have a department of homeland security. Instead, France relies upon institutional practices in several ministries that have evolved over many years as a response to terrorist attacks.

The French response to terrorism contrasts to that of the United States. While the United States has undertaken military action around the world to counter the terrorist threat, France, with other EU governments, has concentrated on a response grounded in law enforcement. In France, institutional flexibility and enhancement of judicial and police authority are the core of this effort. Long periods of political instability have also led to an emphasis on public order over civil liberties. Coupled with the emphasis on public order is a highly centralized governmental system, inherited from the monarchical and Napoleonic eras, in which authority lies primarily in the hands of the president and the prime minister.

France lacks the resources to undertake homeland security efforts comparable to those of the United States. France also has competing budget priorities, such as social welfare, that traditionally receive more attention in France than in the United States. In part to compensate for this relative lack of resources, the French

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[16] Prepared by Paul Gallis, Specialist in European Affairs, Foreign Affairs, Defense, and Trade Division.

government increasingly coordinates its anti-terror efforts with its EU partners, especially in border control. Discernible funding levels marked for anti-terrorism are modest. France also has a budget system that largely lacks line items; instead, executive authority may move funding around to respond to needs, with minimal parliamentary oversight. For this reason, even general budget figures for the country's anti-terror effort cannot be described.

The French Response to Terrorism

Violent radical groups have been active in France for many decades, and strong state action has been used in response. The greatest challenge from terrorists came in the 1960s, when extremists carried out assassination attempts and bombings against institutional, governmental, and private targets. Many of these terrorists were of domestic origin; some were members of or had connections to the French armed services. They were seeking to maintain Algeria as a colony, and to overthrow the government of President de Gaulle, then in the process of dismantling France's colonial empire. Others were Algerian nationalists seeking to hasten the end of French rule and expunge French influence in northern Africa.

Since the 1960s, terrorists have repeatedly struck French targets. Separatist Basque and Corsican terrorists have been active since that period. In 1994, French police thwarted a hijacking at the Marseille airport; terrorists had reportedly intended to crash the plane into the Eiffel Tower. In 1995, an Algerian terrorist organization, the Armed Islamic Group (GIA), carried out bombings in the Paris subway that killed a number of French citizens. Al Qaeda has carried out at least one successful attack against France. In 2002, Al Qaeda operatives exploded a car bomb in Karachi that killed 11 French naval personnel assisting with the transfer of French submarines to Pakistan. Today, France regards Al Qaeda and related radical Islamist groups as the country's greatest terrorist threat.[17]

Institutions and Structures for Domestic Crisis Management

The Ministry of Interior (MOI) and Ministry of Defense (MOD) play key roles in managing crises in France. France has also created intelligence agencies and specialized judicial entities and police forces to combat terrorism. As noted earlier, France does not have a governmental entity comparable to the U.S. Department of Homeland Security.

The Ministry of Interior is responsible for civil protection, and in most instances would manage a response to a terrorist threat or attack. In the event of a threat or an attack, the Council for Internal Security (*Le Conseil de sécurité intérieure*, or CSI), created in 2002, largely in response to the September 11, 2001 attacks in the United States, would define overall policy and determine a priority of measures. The CSI has a permanent staff, but the president would convene and lead it. Its permanent

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[17] "The Military Role in Countering Terrorism at Home and Abroad," synopsis of conference, French American Foundation, Nov. 20-22, 2003, p. 1-2; CRS Report RL31612, *European Counterterrorist Efforts: Political Will and Diverse Responses in the First Year After September 11*, coordinated by Paul Gallis.

members are the prime minister, the Ministers of the Interior, Justice, Defense, Economy and Finance. Other officials may be added as needed. Its current leader is Philippe Massoni, a longtime public official and a former prefect. MOI's Directorate of Defense and Public Safety (DDSC) is charged with preparing a national response structure. That structure includes a domestic intelligence agency that answers to the MOI and to the president and prime minister; an inter-ministerial operations center (COGIC, discussed below) that coordinates different ministries' responses (such as the Ministry of Health in the event of a chemical or biological attack); and regional and local government structures that carry out orders from Paris.[18]

France has 90 *départements*, or administrative regions, each led by a prefect who is an official of the central government in Paris. France does not have governors or local assemblies that control regional affairs. Instead, the prefect, acting for the president and prime minister, coordinates such groups as firefighters, national police for riot control (*Les Compagnies Républicaines de la Sécurité*, or CRS), local police, and the *Gendarmerie*, which is a police and investigative force. France has approximately 240,000 firefighters and rescue personnel, 130,000 local police, and 97,000 *gendarmes*. In addition, unlike the United States, France uses the military domestically in extreme emergencies, such as during major floods or in the event of a terrorist attack. The military would remain under the command of the MOD, and not the MOI, in such situations.[19]

In 1986, a French law created special judicial and police authorities to respond to terrorism. In France, a magistrate performs multiple roles: he is an investigator and a prosecutor. He may also issue warrants, a power that provides him broad authority. Under the 1986 law, if a magistrate finds evidence against an individual or a group, he may direct the police to gather further evidence and make arrests. He may also use the Directorate for the Surveillance of the Territory (DST), France's domestic intelligence service, to gather evidence. The DST may coordinate its work with the General Directorate for External Surveillance (DGSE), France's foreign intelligence service, and, for example, exchange information when there appears to be a link between citizens and foreigners involved in terrorism or other crimes.[20] France has a special senior anti-terror magistrate, Jean-Louis Bruguière, who oversees the effort to find and arrest terrorists. His prosecutors have greater authority than other French prosecutors to order wiretaps and surveillance, and they may order preventive detention of suspects for up to six days without filing a charge. Under the 1986 anti-terror law, there are special judicial panels that try cases without juries.

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[18] Interview with the Deputy Director of the CSI, Feb. 14, 2006; "Le Conseil de sécurité," Ministry of the Interior, Nov. 11, 2005.

[19] Gustav Lindstrom, *Protecting the European Homeland: the CBR Dimension*, Chaillot Paper, No. 69, July 2004, p. 91-92.

[20] Jeremy Shapiro and Bénédicte Suzan, "The French Experience of Counter-Terrorism," *Survival*, Spring 2003, p. 83-84.

Today, France has "a pool of specialized judges and investigators adept at dismantling and prosecuting terrorist networks."[21]

France has a system, *Vigipirate*, used at moments of danger to the country. Instituted in 1978, *Vigipirate* has two levels, which can be activated by the president without legislative consent. The first level, "simple," is activated when a threat appears imminent. The government may call up reserve police and rescue personnel, and will deploy police to sensitive sites such as embassies, the subway, train stations and airports, and fuel infrastructure, including nuclear plants (approximately 50% of France's electricity is derived from nuclear power). The government activated this first level at the outset of the first Gulf War in 1991. It remained in effect until the day after the attacks on the United States on September 11, 2001, when France activated the second level, "reinforced." At this level, President Chirac exercised his authority to direct the armed forces to deploy internally to ensure security. He put an additional 5400 police, *gendarmes*, and soldiers on the streets of Paris at strategic points; four thousand police were initially assigned to the Paris subway system alone. The government also enhanced the country's air defense system. In all, 35,000 members of the police and military were called up. The system remained at this level until December 31, 2003.[22]

In 2003, as a result of a dramatic loss of life during a heat wave, the government developed a new plan to respond to disasters, whether natural or man-made. The plan (*Plan Canicule*, "Heat Wave Plan") has four steps.[23] In the first step, the government maintains vigilance by having technological systems in place that may signal a potential disaster, such as a heat wave or a radiological attack. For example, equipment for detection of radiation might be deployed in the event of a nuclear plant accident, or a radiological attack. In the second step, the government goes to an "alert" status. In this step, the Ministry of Health works with the Ministry of the Interior and directs the prefects to take specific measures to prepare for a disaster. Officials might alert hospitals, begin to mobilize regional health care professionals and rescue workers, and enhance their communications network.

The third step is "intervention." In this step, the Ministries concentrate available information in fewer hands and direct the prefects to intensify their efforts in the *départements*. The prime minister decides that a body similar to a U.S. interagency group must be convened. This body, the Interministerial Committee for the Management of Crises (COGIC), has an *ad hoc* existence, and would be comprised of senior officials from the necessary agencies. The *Gendarmerie* might also be called upon to ensure public order and to assist in other ways, such as the movement of large numbers of people, supervision of traffic flow, and provision of transport.

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[21] Marc Perelman, "How the French Fight Terror," *Foreign Policy*, January 2006, p. 2; interviews of French officials, Oct. 2005-Feb. 2006.

[22] Interviews with French officials, Sept.-Oct. 2001; "Quick Scan of Post 9/11 National Counter-terrorism Policymaking and Implementation in Selected European Countries," Netherlands Ministry of Justice, 2002, p. 50-52.

[23] *Plan Canicule*, Ministry of Health, Paris, May 5, 2004, p. 4-6.

The fourth step is "requisition." In this step, the prime minister directs COGIC to use existing authority to seize all necessary transport (trains, planes, automobiles), and to direct the media to broadcast information to the population. The armed forces may be directed to engage in security operations. Through the prefects, the government can direct local officials, such as mayors, to provide needed information and resources.

In 2003, the government took another step to build its capacity to combat threats to domestic security. It began to create a unit of 1,000-5,000 soldiers, directed by the Ministry of Defense, to respond in the event of a large-scale terrorist attack or a "natural or technological catastrophe," such as damage to a nuclear power plant.[24]

Protection of Infrastructure; Chemical/Biological/Radiological Threats

Protection of key infrastructure is an issue that has long attracted attention in France. As noted above, a special military unit is being prepared to aid in this effort. The government has installed radar near nuclear power installations to detect low-flying aircraft that may approach too closely. When radioactive materials that may pose a threat to the population are transported, it is the Ministry of Economy and Finance that moves them. Under the *Vigipirate* system, security forces deploy at key sites, such as bridges and tunnels. France has long placed air marshals on selected flights to counter an attempted hijacking.[25] Security in French airports is often extremely tight; while passengers boarding aircraft in France have their baggage examined, many who arrive in France also have their baggage subjected to a careful search.

France and the United States reached an agreement in 2002 over container security in ports. Under the agreement, U.S. Customs inspectors have joined French counterparts in Le Havre and Marseille to examine sea cargo containers for the possible presence of weapons of mass destruction and illicit smuggling or trafficking activity intended for shipment to U.S. ports.

Some French officials express special concern about a possible terrorist attempt to spread biological agents among the population. In 2002, the government began to allocate funding for the purchase of stockpiles of antibiotics in the event of such an attack. The government also has a "biotox" plan to secure biological agents in laboratories; supervise the transport of such agents; intervene quickly in a crisis to reinforce care units with sufficient supplies and medical personnel; and develop vaccines and antidotes in anticipation of an attack. Since 2004, the government has also carried out a number of large-scale exercises to test its response to a chemical or biological attack.[26]

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[24] *2003-2008 Military Programme: Bill of Law*, Ministry of Defense, Paris, 2002, p. 19.

[25] Lindstrom, *op. cit.*, p. 91; "Quick Scan...," Netherlands Ministry of Justice, *op. cit.*, p. 58-59.

[26] Interviews of French officials, Feb. 2006; Lindstrom, *op. cit.*, p. 92.

France and the European Union

The European Union plays an important role in the effort to counter terrorism in Europe.[27] From the 1950s France has placed the EU at the center of its efforts to build a stable society and strong economy. Increasingly, France and other EU members have shared elements of their sovereignty in a range of areas, including border control and general security.

The EU members have taken a number of specific steps in police and judicial cooperation. In 2001, they established a common definition of terrorism, and agreed to common penalties for terrorist crimes. France and its EU partners maintain a common list of terrorists and terrorist organizations. One part of the list is directed against Al Qaeda and the Taliban. The EU has adopted U.N. Security Council sanctions against these groups. Another part of the list names terrorists and terrorist organizations in Europe and elsewhere. All EU members have agreed to freeze the assets of individuals and organizations on the list.[28]

In 2001 the EU agreed to eliminate extradition proceedings among member states for a range of crimes, including terrorism. EU members also agreed to strengthen EU police and judicial institutions. Since 1999, Europol has served as an information clearinghouse for cross-border crimes such as terrorism and money-laundering. There has also been an effort to share more intelligence on terrorists' activities among EU states, but France tends to have several bilateral intelligence sharing arrangements that are stronger than any general policy of sharing among all member states.[29]

France and other EU members are attempting to control illegal immigration. The effort has become enmeshed in a debate that sometimes links terrorism to illegal immigration from the Middle East, a point of view evident on the extreme right and in such anti-immigrant political organizations as Jean-Marie Le Pen's National Front party. While France is part of the Schengen plan, which allows EU citizens to cross borders of member states with minimal involvement with border officials, there is an increasing effort to discourage illegal immigration. France has established joint border controls with Spain and Italy to capture and expel illegal immigrants. France and several other EU countries are also establishing national DNA analysis files in order to track and identify terrorists and other criminals. France also supports the establishment of biometric information databases for purposes of identification.[30]

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[27] CRS Report RL31509, *Europe and Counterterrorism: Strengthening Police and Judicial Cooperation*, by Kristin Archick.

[28] Ibid.

[29] Yves Boyer, "Intelligence Cooperation and Homeland Security," in Gustav Lindstron, *Transforming Homeland Security: US and European Approaches*, Washington, 2006, p. 161.

[30] Gustav Lindstrom, "The EU's Approach to Homeland Security," in *Transforming Homeland Security*, *op. cit.*, p. 128.

Civil Liberties

Strong central authority in France has traditionally meant that the government constrains civil liberties when there is a real or perceived threat. Under the *Vigipirate* system, the police frequently check individuals' identities and inspect carried items, particularly in large public places such as airports and train and subway stations. While there is no requirement for a national identity card in France, it is difficult to undertake a range of casual activities, such as cashing a check, obtaining a loan, or applying for employment without one. At times of a high alert, police will stop and question people who appear to fit a description.[31]

While France has long championed free speech and freedom of religion, there is also a prevailing requirement for public order. The current Minister of the Interior, Nicholas Sarkozy, for example, has reacted strongly to the imams in France's Muslim population who have criticized France and other western countries:

> The Republic is not a weak regime and does not have to accept speeches that, under the guise of being protected by being delivered in a place of worship, might call for hatred and murder. [Such imams] will be systematically expelled.... Those who make excessive and violent remarks foreign to the values of our Republic will be expelled.... [We] will surveil places of worship... as well as prisons..., and keep an eye on social and sporting or cultural organizations that serve as a screen for radical and terrorist ideologies and activities.[32]

Sarkozy is also at the forefront of an effort in the French government to place restraints on immigration. He has proposed a law to the French parliament that would allow entry primarily of more well-educated immigrants who speak or have French language abilities. The law would also make it more difficult for immigrants who cannot support themselves financially to bring family members into France.[33]

Funding for Homeland Security

As noted above, only fragmentary information is available on French funding for homeland security. In 2002, parliament passed a bill that allocated $5.6 billion for the period 2003-2007 to hire 7,000 more *gendarmes* and 6,500 more police for localities. In 2003 the government allocated 52 million euros (approximately $65 million) through 2008 to programs to counter chemical, biological, radiological, and nuclear threats. By one estimate, France spends approximately one percent of its GDP on public order and safety, a figure that would have reached approximately $18

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[31] This was true after the terrorist attacks on the United States on September 11, 2001. In 1979, the former Italian prime minister, Aldo Moro, was kidnaped in Italy. For several days there was a rumor that he had been taken to Paris. In an apparent search for the kidnapers, the police stopped and asked for the identity papers of large numbers of men on public sidewalks who had a "Mediterranean" appearance.

[32] "M. Sarkozy Veut Expulser les Imams 'Radicaux,'" *Le Monde*, July 17-18, 2005, p. 2.

[33] "Sarkozy Plans 'Contracts' for New Migrants," *Financial Times*, Feb. 6, 2006, p. 4.

billion in 2001.[34] Presumably, part of that figure would cover expenditures for military forces that might be called upon to act in Metropolitan France.

The French governmental system is significantly different from the U.S. system, and funding for specific purposes is difficult to discern. The mixture of a presidential and a parliamentary system may explain the difficulty. The parliament is relatively weak, and its leaders are heavily reliant upon the government, led by a prime minister, and the president for guidance in writing laws and in examining issues. While some members of the French parliament have become more outspoken in the past two decades, a sense of oversight responsibility is not as well-developed as it is in the U.S. Congress. The parliament does pass a yearly budget, and sometimes budget programs for a series of years, but the government normally presents a general budget that parliament then largely embraces.

The president and the government that he appoints have very strong executive authority. There is no agency comparable to the U.S. Office of Management and Budget, able to make decisions about expenditure of funds. There is also no department or agency comparable to the U.S. Department of Homeland Security or to FEMA that directs disaster relief or counterterrorist action. And there is no Government Accountability Office (GAO) that investigates such matters as appropriate funding of government action. Resources come, as needed, on an *ad hoc* basis, from a range of government ministries and agencies to respond to disasters or terrorist attacks.

Key decisions about budget matters, such as reprogramming money, and about governmental authority and responsibility in a crisis, are made by the offices of the president and prime minister. A strong presidential system, backed by a prime minister and government, is well accepted by French citizens because of the country's repeated crises, such as two world wars and a virtual civil war over Algeria, that have troubled France over the past century. It is therefore much easier in France than in the United States to move funding around to respond to domestic or foreign developments.

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[34] Lindstrom, "Protecting the European Homeland...," op. cit., p. 64.

Germany[35]

Introduction

Germany has no department or ministry for "homeland security." The country's long established organization for protecting security and responding to emergencies within its borders is defined by the 1949 Basic Law (Constitution) and involves ministries and agencies at the federal, state, and local levels.[36] There are no separate laws or organizations focused exclusively on fighting terrorism. However, Germany has devoted considerable attention since September 11, 2001 to preventing terrorist attacks on its territory, protecting the population and critical infrastructure, as well as assisting in the international fight against terrorism.

Although the government structure has not been changed fundamentally since 9/11, Germany has adjusted the ways in which it protects its territory. A number of laws were amended and new laws passed to enable responsible agencies to better carry out their responsibilities. Also, new mechanisms were introduced to better coordinate planning and response at the local, state, and federal levels. In general, the German approach to dealing with incidents, whether natural disasters or terrorist acts, is bottom up, beginning at the local level, bringing in the state if necessary, and finally calling in federal agencies if they are needed. Since World War II, Germany's civil protection and emergency response mechanisms have been geared primarily to natural disasters. Germany does have decades of experience with domestic terrorism by the Red Army Faction (RAF), a German left-wing anarchist group that operated from the beginning of the 1970s to the late 1990s. Since 9/11, the government has viewed terrorism as the most immediate threat to German national security.

Germany's Organization for "Homeland Security"

German authorities rely on intelligence, law enforcement, and judicial prosecution to prevent terrorist acts and to identify and neutralize potential terrorists. At the federal level, ministries involved most directly in "homeland security" functions include Interior, Justice, Defense, and Foreign Affairs, and Finance. However, many other departments and agencies may play some role.

Intelligence and Law Enforcement. The most important intelligence authorities in Germany are the Federal Intelligence Service (BND) under the Federal Chancellory,[37] the Federal Bureau for the Protection of the Constitution (BfV) under the Ministry of the Interior,[38] and the Military Counterintelligence Service (MAD)

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[35] Prepared by Francis Miko, Specialist in International Relations, Foreign Affairs, Defense, and Trade Division.

[36] Under Germany's federal system, each of the 16 states (Laender) have considerable autonomy in major policy areas.

[37] The BND is limited to gathering intelligence abroad.

[38] The BfV gathers domestic intelligence. Council of Europe. Profiles on Counter-Terrorist (continued...)

under the Ministry of Defense.[39] The Federal Bureau for the Protection of the Constitution (BfV) is given authority to track any activities of extremist groups that seek to foment ideological or religious strife domestically.

The most important law enforcement authorities are the Federal Bureau of Criminal Investigation (BKA) and the Federal Border Guard (BGS), both under the Ministry of the Interior, and the Federal Public Prosecutor General (GBA). Post-9/11, the BKA has the authority to lead its own investigations, replacing the former system which required a formal request from the BfV. Within the BKA, a Financial Intelligence Unit (FIU) serves as Germany's central office for tracking money laundering as well as a main contact point with foreign authorities concerning financial crime. German authorities have conducted computer-aided searches of the type that had proven successful in profiling and eventually dismantling the Red Army Faction in the 1990s. Reportedly, these searches uncovered a number of radical Islamist "sleepers in the country."[40] Armed officers of the Federal Border Guard (BGS) are now deployed aboard German airplanes. Moreover, the BGS has been tasked to conduct more intensive screening of border traffic.

The Federal Public Prosecutor General at the Federal Court of Justice is charged with prosecution of terrorist offenses. A Criminal Senate within the Federal Court of Justice deals with national security measures and is responsible for ruling on complaints of investigative abuse, under the Courts Constitution Act.[41]

In early July 2004, federal and state Ministers of the Interior implemented some key steps to improve coordination: (1) A central database was set up to collect and store all available information regarding Muslim radicals suspected of terrorism and information from several databases was made available to make computerized searches more effective; (2) a joint Coordination Center was established in Berlin under the Ministry of the Interior, consisting of the BKA, BND, BfV and MAD to prevent terrorist attacks; and (3) state and local level agencies were integrated into the Coordination Center.

Despite the changes, critics point to what they assert are continuing problems hampering Germany's domestic efforts. German law enforcement and intelligence communities still face more bureaucratic hurdles, stricter constraints, and closer oversight than those in many other countries. They are required to operate with greater transparency. Privacy rights of individuals and the protection of personal data are given prominent attention. These protections are extended to non-citizens residing in Germany as well. Police are prohibited from collecting intelligence and

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[38] (...continued)
Capacity: Germany, October 2004, [http://www.coe.int/gmt].

[39] The MAD is charged with gathering intelligence to assure readiness of the German military.

[40] According to an interview with Gerhard Schindler, Head of the Counterterrorism Section within the Ministry of the Interior, July 28, 2004.

[41] Council of Europe. Profiles on Counter-Terrorist Capacity: Germany, October 2004, [http://www.coe.int/gmt].

can only begin an investigation when there is probable cause that a crime has been committed. Thus, no legal recourse exists against suspected terrorists, until a case can be made that a felony has taken place or been planned, either in Germany or abroad. Intelligence agencies cannot make arrests and information collected covertly cannot be used in court.

While the establishment of the Coordination Center is thought to have facilitated cooperation among federal, state, and local authorities, no central agency or person is in charge of all "homeland security" efforts. The most important domestic security and intelligence authorities, the BKA and BfV, are still divided among one federal and 16 state bureaus each. The state bureaus work independently of each other and independently of the federal bureaus. Furthermore, German law requires a complete organizational separation between federal law enforcement agencies such as the BKA and state police agencies, and between federal and state intelligence authorities such as the BfV.[42] An interagency group made up of the appropriate ministries, the heads of the BKA, BfV, BND, MAD, and the Attorney General conduct weekly briefings in the Federal Chancellery and provide strategic direction.

Opinion differs in Germany on whether greater centralization would be beneficial or harmful. Some experts believe that there may be little support for further centralizing Germany's "homeland security" efforts in the absence of an attack on German soil. Former Minister of the Interior Otto Schily as well as Director of the BKA Joerg Zierke called for merging the 16 state bureaus with their federal analog BKA and BfV respectively. The 16 federal states oppose further centralization at the federal level, not wanting to cede authority.[43] Yet, there have been reported indications of terrorist activities in individual states with important international traffic hubs (e.g., airports, harbors) and large Muslim populations.[44] Considerable attention was given to security measures in advance of the June 2006 Soccer World Cup in Germany, which authorities worried was a potential target for terrorist acts.

Civil Protection and Emergency Response.[45] The German structure for civil protection and emergency response has been in place since 1949. Responsibility for protecting the population in peacetime is assigned to the 16 states of the Federal

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[42] Bundesamt fuer Verfassungsschutz: *Aufgaben, Befugnisse, Grenzen*, 2002, p. 86-87. Available on the website of the Federal Bureau for the Protection of the Constitution (in German) [http://www.verfassungsschutz.de/de/publikationen/allgemeine_infos/abg/abg.pdf].

[43] *Sueddeutsche Zeitung*, June 18, 2004.

[44] Roughly 80% (in 2002) and 85% (in 2003) of suspicious money laundering cases detected by the Financial Intelligence Unit originated in the states of Nordrhein-Westfalen, Bavaria, Hessen, Baden-Wuerttemberg, Niedersachsen, Berlin and Hamburg (FIU Annual Report 2002, p. 25 and FIU Annual Report 2003, p. 11, respectively). A German news magazine reported that Hamburg remains a German center of Islamist fundamentalism (*Der Spiegel*, "Zwei Hochzeiten und 3000 Todesfaelle," May 29, 2004).

[45] Information in this section is taken from two sources: International Civil Defence Directory: Germany. Website of the International Civil Defence Organisation, online at [http://www.icdo.org]; and Gustav Lindstrom. Protecting the European Homeland. Institute for Security Studies of the European Union. Chaillot Paper no. 69, July 2004, pp. 93-95.

Republic and their local jurisdictions. The federal government only has primary responsibility in time of war or threat of war and even then implementation of federal orders is left largely to local authorities. The primacy of the states was reemphasized in the 1997 Civil Defense Law. Each state has its own structures and laws for emergency planning and operations in peace time. The federal government provides the states with equipment and resources for wartime that states can also have access to in peacetime (for example, vehicles outfitted to respond to nuclear, biological, or chemical incidents).

Following 9/11 and the disastrous floods in Germany in 2002, a new civil defense strategy was agreed between the federal and state ministers of the interior. The new strategy called for a coordinated approach between the federal government and the states in managing "unusual and nationally significant disaster and damage situations." A new Federal Office for Civil Protection and Disaster Response[46] (BBK) was created in 2004, under the Ministry of Interior, to support the states with coordination and information. Legal responsibility, however, was left with the states. Under the laws and regulations of most of the states, actual responsibility for crisis management is in the hands of local authorities (municipal, county, or rural district). Only when a disaster affects a larger geographic area or if local authorities are overwhelmed do state authorities take over coordination. The federal government can be asked to support local, regional, or state authorities with police, military forces, technical assistance units (Technisches Hilfswerk) of the federal Ministry of the Interior, and administrative assistance coordinated by the BBK. If a crisis is beyond a state's ability to cope or hits more than one state, the federal Ministry of the Interior, working with other federal ministries and state authorities, is charged with coordinating the response. In the event of a national military crisis, thirteen different federal ministries have responsibility for aspects of civil emergency planning and response, coordinated by the Ministry of the Interior.

Anti-Terrorism Measures

After the attacks in the United States of September 11, 2001, German authorities recognized the need to step up vigilance against the threat of radical Islamist terrorism. Terrorists used German territory to hatch the 9/11 plot. Three of the hijackers lived and plotted in Hamburg and other parts of Germany for several years, taking advantage of liberal asylum policies, low levels of surveillance by authorities, as well as strong privacy protections, and laws protecting freedom of religious expression that shielded activities within mosques from authorities.[47]

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[46] Bundesamt fur Bevolkerungschutz und Katastrophenhilfe.

[47] Bundesamt fuer Verfassungsschutz: *Aufgaben, Befugnisse, Grenzen*, 2002, p. 62. Available on the website for the German Federal Bureau for the Protection of the Constitution (in German) [http://www.verfassungsschutz.de/ de/publikationen/allgemeine _infos/abg/abg.pdf].

Germany now sees radical Islamist terrorism as its primary security threat and itself as a potential target of attack.[48] Although German citizens have not been directly targeted by radical Islamist groups to date, they frequently have been victims abroad.

Germany's response to terrorism has been influenced by its experiences of the Nazi era. That history has led the country to place strong emphasis on tolerance and civil liberties in its policies since World War II. Germany has sought to ensure that all of its domestic and international actions are consistent with its laws, values, and historical lessons. Germany has sought to protect rights and liberties of all those residing in Germany, including non-citizens. As elsewhere in Europe, a large Muslim immigrant population resides in Germany. The country has a strong record of protecting Muslim religious freedoms.

Despite this focus on protection of civil liberties, the German government is determined to go after extremists. It has taken several domestic measures since 9/11, in the legal, law enforcement, financial, and security realms. Germany adopted two major sets of legal measures at the end of 2001, targeting loopholes in German law that permitted terrorists to live and raise money in Germany. The first: (1) revoked the immunity of religious groups and charities from investigation or surveillance by authorities, as well as their special privileges under right of assembly, allowing the government greater freedom to act against extremist groups; (2) made it possible to prosecute terrorists in Germany, even if they belonged to foreign terrorist organizations acting only abroad; (3) curtailed the ability of extremists to enter and reside in Germany; and (4) strengthened border and aviation security. The second law was aimed at improving the effectiveness and communication of intelligence and law enforcement agencies at the federal and state levels. Some $1.8 billion was made immediately available for new security measures. New legislation gave German intelligence and law enforcement agencies greater latitude to gather and evaluate information, as well as to communicate and share information with each other and with law enforcement authorities at the state level and local levels.

The government launched a major effort to identify and eliminate terrorist cells. Profiling, which is permissible under German law, has been used extensively. Germany's annual "Report on the Protection of the Constitution, 2004" estimated that about 32,000 German residents were members of some 24 Islamist organizations with extremist ties.[49] Shortly after the 9/11 attacks the government banned and moved against twenty religious groups and conducted hundreds of raids.[50] Since February 2004, the German government has prosecuted members of a splinter group of the Iraqi Tawhid and Jihad (referred to as the Al Tawhid in Germany). This terrorist group is accused of having prepared attacks against Israeli

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[48] Statement of the Minister of the Interior, Otto Schily, during press conference of issuing the "Verfassungschutzbericht 2003" on May 17, 2004.

[49] See website Ministry of the Interior (in German), released on May 17, 2005, online at [http://www.bmi.bund.de/cln_012/nn_121894/sid_07FFFD51648A8BDE07F0D2FA7B8CB8F1/Internet/Content/Broschueren/2005/Verfassungsschutzbericht__2004__de.html].

[50] Katzstein, Peter J.: "Same War - Different Views: Germany, Japan, and Counterhomeland Security," *International Organization*, Vol. 57, No. 4, 2003, p. 731-760.

facilities in Germany; some members were caught in April 2002. Reportedly, they had connections to Abu Musab Al-Zarqawi in Iraq and to Al Qaeda. In 2004, the German Justice Ministry was involved in prosecuting some 80 suspected terrorist cases.[51] Using its new authority to lead its own investigations and with increased law enforcement capacity, the BKA reportedly has placed under surveillance some 300 suspects who are suspected of links to international terror networks.[52]

In the financial area, new measures against money laundering were announced in October 2001. A new office within the Ministry of the Interior was charged with collecting and analyzing information contained in financial disclosures. Procedures were set up to better enforce asset seizure and forfeiture laws.[53] German authorities were given wider latitude in accessing financial data of terrorist groups. Steps were taken to curb international money laundering and improve bank customer screening procedures. The Federal Criminal Police Office set up an independent unit responsible for the surveillance of suspicious financial flows. Measures to prevent money laundering now include the checking of electronic databases to ensure that banks are properly screening their clients' business relationships and that they are meeting the requirement to set up internal monitoring systems.

In seeking to dry up the sources of terrorist financing, recent regulations aim to strengthen Germany's own capabilities, as well as German cooperation with international efforts.[54] Under the oversight of the German Federal Banking Supervisory Office, banks, financial service providers and others must monitor all financial flows for illegal activity. Germany was the first country to implement an EU guideline against money laundering as well as the recommendations of the Financial Action Task Force on Money Laundering (FATF).[55] The FATF has characterized Germany's anti-money laundering regulations as comprehensive and effective.[56]

Additional security measures are being implemented by Germany. The new immigration law, which went into effect on January 1, 2005, makes it easier to deport suspected foreigners and makes naturalization more difficult. Under this law suspected foreigners can be expelled faster and with fewer hurdles. Before naturalization, applicants must be investigated and certified by the Federal Bureau of the Protection of the Constitution. In addition, the automatic right of relatives of applicants to remain in Germany has been revoked. Although the ease of entry of

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[51] Minister of Justice Brigitte Zypries in *Sueddeutsche Zeitung*, June 11, 2004.

[52] *Die Zeit*, May 6, 2004 ("Ueberforderte Ermittler").

[53] U.S. Department of State. Bureau for International Narcotics and Law Enforcement Affairs. International Narcotics Control Strategy Report, March 2002. Chapter 12, p.117-119.

[54] 4th Financial Market Promotion Act, effective since July 1, 2002; amended Law against Money Laundering, effective since August 15, 2002.

[55] See website Federal Bureau of Criminal Investigation (in German), online at [http://www.bundeskriminalamt.de/profil/zentralstellen/fiu/fiu_jahresbericht_2002.pdf].

[56] Dow Jones VWD Newswire, ("Deutsche Massnahmen zur Geldwaeschebekaempfung umfassend") July 21, 2004.

potential terrorists into Germany has been significantly reduced, critics argue that suspects already living in Germany are still able to take advantage of weaknesses in German law. Academic and job training programs, as well as the granting of asylum, may have allowed potential terrorists to obtain extended residency permits. Some extremists may have married into German citizenship. Second generation immigrants may serve as a potential recruitment pool.[57]

Germany's approach to terrorism and homeland security is influenced by its geographic position in the heart of Europe and its membership in the European Union (EU). Germany has two borders to defend, its own and the EU's. EU procedures and EU jurisdiction in certain areas affect the domestic affairs of its member states. A number of basic anti-terrorism measures — for instance EU definitions of terrorism and terrorist organizations, common penalties, border control, the EU-wide arrest warrant and the EU-wide asset freezing order — are governed by EU legislation. At the EU, Germany has sought to shorten the period between passage of new EU anti-terror legislation and its coming into effect. Germany is working with other countries to improve the Schengen-system (a system that allows passport-free travel between participating EU member states — travel into or out of the EU-wide system still requires traditional passports and visas). Moreover, Germany is pushing for wider use of biometric identifiers on passports, visas, and resident permits, and for international standardization of these systems.

Funding

Funding for "homeland security" functions is spread throughout the federal and state governments. Although the German Ministry of Finance provides detailed breakdowns of spending by ministry and agency, there is not a spending category combining activities that would fall under the rubric of "homeland security."[58] The annual Budget Act is the vehicle through which budgets are set for federal government agencies and revenues are allocated between the federal and state levels of government. The two chambers of the German parliament must pass the Budget Act and play a significant role in deciding how funds are allocated.

Each federal ministry sets the budget and policy priorities for the areas within its jurisdiction. For example, the Ministry of the Interior, a key department in maintaining internal security, received a total budget of approximately 4.13 Euros (just over $5 billion). Of that amount, 214 million Euros ($261 million) was allocated for Civil Defense. Other federal ministries also had funds budgeted for

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[57] The Immigration Law that became effective in January 2005, brings several changes: It makes it possible to expel extremist agitators or persons who were trained in Afghan terrorist camps, even if they are not currently involved in questionable activities. It calls for an assessment of the potential threat posed by an individual to Germany's security as a part of immigration decisions. Although he had wanted even stronger measures, the former Minister of the Interior, Otto Schily, was not able to overcome resistance from the then CDU/CSU-opposition in the Bundesrat.

[58] Budget breakdowns for 2005 can be found on the German Finance Ministry website, [http://www.bundesfinanzministerium.de/cln_05/nn_3378/DE/Finanz__und__Wirtschaftspolitik/Bundeshaushalt/27824.html].

civil protection and emergency response, although most of the spending was at the state level.[59] Each of the 16 states sets its own budget priorities and allocations to individual state ministries and agencies and between state and local jurisdictions.

Italy[60]

Introduction

Italy does not have one government department responsible for all aspects of homeland security and counterterrorism. Responsibility for these issues is fragmented among several government offices and ministries, and Italy's inter-governmental approach to promoting domestic security has largely grown out of decades of first-hand experience with terrorist groups. The Red Brigades, an anarchist group, carried out numerous acts of violence in the 1970s and early 1980s against Italian political leaders, judges, and businessmen. Foreign terrorist groups have also been active in Italy. Extremist Palestinian groups murdered U.S., European, and Israeli nationals in attacks on Italian airplanes and airports in the 1970s and 1980s. In response, the Italian government enacted new law enforcement measures, including special police and prosecutors dedicated to fighting terrorism, stiffer sentences, and prison isolation cells. The police were also granted authority to carry out emergency searches without warrants, and security programs were instituted for public buildings.

Italy views prevention and strong law enforcement and intelligence efforts as key to ensuring domestic security, combating terrorism, and protecting the Italian public, infrastructure, and historical and cultural sites. Following the September 11, 2001 terrorist attacks on the United States, Italy stepped up efforts to disrupt Al Qaeda-affiliated networks on its territory. Italy, a major point of entry for illegal immigrants to Europe, also sought to tighten its immigration and border controls; some suggest that anti-immigrant politicians seized on the September 11 attacks, linking immigration to crime and terrorism risks, to push through stronger immigration controls. The March 2004 terrorist attacks on commuter systems in Madrid, Spain, and the July 2005 bombings of London's metro and bus lines have galvanized further Italian action to bolster its counterterrorism legislation, clamp down on Islamist extremists, and further strengthen border controls and transport security. At the same time, Italy is pursuing measures to promote Muslim integration to help prevent terrorist recruitment. As a member of the European Union (EU), Italy has also supported EU measures since September 11 to improve law enforcement and intelligence cooperation among its 25 member states and strengthen EU external border controls.

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[59] International Civil Defence Directory: Germany. Website of the International Civil Defence Organisation, [http://www.icdo.org].

[60] Prepared by Kristin Archick, Specialist in European Affairs, Foreign Affairs, Defense, and Trade Division.

Some critics, including some right-wing Italian politicians, claim that Italy is not doing enough to protect itself from the threat of international terrorism. They have pressed for even tougher legislative measures as well as an Italian "homeland security" ministry similar to the U.S. Department of Homeland Security. Many Italian officials, however, are cautious of the need to strike a balance between improving security measures and protecting personal freedoms. They also reject the need for a new "homeland security" ministry, arguing that the current inter-governmental approach is long-standing, and provides Italy with the flexibility to manage a wide range of challenges and disasters while ensuring civil liberties.[61]

Italian Domestic Security Institutions and Structures

As noted above, there is no single Italian-equivalent to the U.S. Department of Homeland Security. Various government leaders and ministries play a role in different aspects of Italian domestic security affairs and the fight against terrorism.

Italy's Inter-Governmental Approach and Lead Ministries. The Italian Council of Ministers (or cabinet), headed by the President of the Council (the Prime Minister) is the supreme, collective decision-making body in the Italian government. Protecting domestic security and combating terrorism involves a coordinated effort by the main governmental ministries. The Ministry of the Interior is the lead government ministry on counterterrorist policy, public order and security, immigration and border controls, and civil protection. Within the Interior Ministry: the Public Security Department directs and manages the national police force and is responsible for implementing the public order and security policy; the Civil Liberty and Immigration Department sets immigration and asylum policy; and the Fire Brigade, Public Aid, and Civil Defense Department has the lead on setting emergency preparedness and response policy, including for terrorist incidents. Several other government ministries may also play a role in different aspects of combating terrorism and homeland security affairs; these include the Defense Ministry, the Health Ministry, and the Infrastructure and Transport Ministry. In addition, the Economics and Finance Ministry has the lead on stemming terrorist financing and customs policy.

To coordinate the efforts of these ministries in the areas of homeland security and counterterrorism, the Italian government has established a number of inter-ministerial bodies that bring together department ministers, officials, and others in the police and intelligence services. The Public Order and Security Committee examines every issue relative to the protection of public order and security and to the organization of the police forces. It is chaired by the Interior Minister; two other key members are the Chief of Police/Director General of Public Security (who heads the

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[61] "Italian President Ciampi Favors Adopting New Anti-terror Measures," Open Source Center, July 12, 2005; "Italy Politics: The Next Terrorism Target," *Economist Intelligence Unit*, July 18, 2005; "Italian Right Wingers Want Expulsion, DNA Checks for Suspects," Agence France Presse, July 19, 2005. For more information on Italian anti-terrorist measures, see CRS Report RL31612, *European Counterterrorist Efforts: Political Will and Diverse Responses in the First Year After September 11*, coordinated by Paul Gallis, pp. 57-63.

Interior Ministry's Public Security Department), and a Council of Ministers' undersecretary with special responsibility for the intelligence services (this undersecretary is designated by the Prime Minister). The heads of Italy's other police forces also take part in the Public Order and Security Committee, and additional ministers may be involved depending on the particular issue to be discussed. The Inter-ministerial Committee for Intelligence and Security (CIIS) provides advice and makes proposals to the Prime Minister on the general direction and fundamental objectives for intelligence and security policy. The CIIS is chaired by the Prime Minister; other statutory members are the ministers for the Interior, Defense, Foreign Affairs, Justice, and Economy and Finance; the heads of the intelligence services and other ministers or government officials may be invited to participate as required. There is also an Inter-ministerial Committee for Civil Defense.

Within the Prime Minister's office exists a Political-Military Unit that reports directly to the Prime Minister. The members of the Unit are the senior representatives of all government departments and agencies responsible for combating terrorism and protecting the population throughout Italy. Italian officials assert that the Political-Military Unit's role, powers, and responsibilities have been strengthened further post-September 11. Among other measures since then, the Unit has: updated the national emergency plan to deal with any chemical, biological, radiological, and nuclear (CBRN) incidents, coordinated action plans and operations relating to transport safety and bio-terrorism; and sought to enhance both civil and military preemptive measures against terrorism.

Also within the Prime Minister's office is the Department of Civil Protection, which is responsible at the national level for prevention, preparedness, and coordination of responses to both natural and man-made disasters. This Department coordinates Italy's "National Service" for civil protection, which consists of central, regional, provincial, and local (or municipal) state administrations, public agencies, and voluntary organizations. This national service system operates on the principle of subsidiarity. In the event of an emergency, primary responsibility for managing the response falls on the local mayor. If the resources at the disposal of the mayor are insufficient, support may be drawn from provincial, regional, or national assets. Military assets can also be used to assist with a large-scale emergency, including those with a CBRN dimension. Any military forces deployed, however, would be under the command of the civil authorities.[62]

Law Enforcement and Intelligence. The Interior Ministry has ministerial responsibility for Italy's *Polizia di Stato* (State Police), or national police force. At the central government level, the Interior Ministry's Public Security Department coordinates the tasks and activities of the *Polizia di Stato*. At the provincial level, the top public security authorities are the prefect, who is appointed by and answerable

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[62] National Report of the Republic of Italy to the U.N. Security Council Counterterrorism Committee, January 2, 2002, available at [http://www.un.org/sc/ctc]; Italian Interior Ministry website [http://www.interno,.it]; Gustav Lindstrom, *Protecting the European Homeland: The CBR Dimension*, Chaillot Paper, No. 69, July 2004; the Italian Department of Civil Protection, "The Italian Civil Protection National Service," available at [http://www.protezionecivil.it]; Interviews of Italian officials.

to the central government, and the *questore,* or the senior provincial official of the *Polizia di Stato*. Each *questore* has operational control of the provincial police headquarters, which has jurisdiction in the field of public order, security, and criminal and intelligence matters. There are also *Polizia di Stato* officials at the local level in charge of detached police stations.

The *Polizia di Stato* includes various specialist units that may play a role in combating terrorism and protecting different aspects of Italian homeland security. The anti-terrorism police, at both the central and provincial level, have primary responsibility for investigations aimed at preventing and fighting terrorism, including the collection and analysis of information related to terrorist offenses. Other relevant specialist police units are the traffic police, which patrol Italy's roads and highways; the railway police, which ensure the security of travelers and their belongings on Italy's railway system, the security of railway stations, and control of dangerous goods transported by rail; the immigration and border police, which are responsible for the entry and stay of foreign nationals and immigrants in Italy, as well as the prevention and control of illegal immigrants; and the postal and communications police, which seek to prevent and tackle the illegal use of communication technologies (for example, computer hackers and computer viruses). Additional specialist police units of the *Polizia di Stato* may be deployed throughout the national territory to perform high-risk interventions, in the case of a hostage incident for example, or to provide rescue services in areas affected by natural disasters. The police air service and the nautical squads perform services ranging from mountain or sea rescues to contributing to the fight against illegal immigration by patrolling the national coasts and other points of entry.[63]

Italy also has a military corps, or *Carabinieri,* that carries out police duties among its civilian population. The Italian *Carabinieri* is similar to France's *Gendarmerie,* or Spain's *Guardia Civil*. The *Carabinieri* has an elite counterterrorist unit with the authority to combat domestic and international terrrorism; it is empowered to gather intelligence, investigate terrorist organizations, and respond to high-risk situations or instances in which military installations are under threat. Institutionally, the *Carabinieri* are responsible primarily to the Ministry of Defense and the Ministry of Interior, although various specialist departments may also report to different government ministries, such as the Ministry of Foreign Affairs, on issues such as the protection of Italian diplomatic institutions abroad.[64]

Italy has two main intelligence and security services engaged in the fight against terrorism. The Military Intelligence and Security Service (SISMI) reports directly to the Minister of Defense and fulfills all intelligence and security tasks for the defense of the state's independence and integrity against any danger on the military front; it has both counterespionage and counterintelligence duties. The Democratic Intelligence and Security Service (SISDE) reports directly to the Minister of the Interior and has responsibility for intelligence and security tasks related to the defense of the democratic state and its institutions against all forms of subversion.

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[63] Website of the Italian national police, [http://www.poliziadistato.it]; Interviews of Italian officials.

[64] Website of the Italian *Carabinieri*, [http://www.carabinieri.it].

The division of responsibilities between SISMI and SISDE is based on the interests to be protected (military and democratic security), rather than on a territorial basis (domestic and international security). The directors of SISMI and SISDE have operational control over their respective services.

The main instrument for coordinating the work of the two services and for advising the Prime Minister and other government officials on intelligence priorities is the Executive Committee for the Intelligence and Security Services (CESIS). CESIS is strategic in nature; it analyzes the intelligence provided by the services as well as the police and presents coordinated assessments to the government. Some have likened CESIS to the U.S. National Intelligence Council, or the UK's Joint Intelligence Committee. Italy has also created a Committee for Strategic Anti-Terrorism Analysis (CASA) within the Interior Ministry to collate and evaluate intelligence about potential threats and provide early warning. CASA is composed of representatives of all law enforcement bodies and the secret services, and seeks to break down institutional barriers among these bodies; it appears to be similar to the U.S. National Counter Terrorism Center or the UK's Joint Intelligence Analysis Center.[65]

Funding

Italy's national budgeting system involves multiple ministries and departments. The Italian Council of Ministers collectively draws up Italy's yearly governing budget, which must then be approved by the Italian Parliament. The Ministry of the Economy and Finance, in coordination with the other ministries, sets overall departmental spending limits; each minister determines policy and budgetary priorities within his or her area of responsibility. Thus, the Interior Minister plays a key role in setting budgetary priorities in many areas of homeland security affairs.

Italian spending on "public order and security" is roughly $34 billion per year. This broad category, as defined by the EU's research and statistics agency, Eurostat, includes police services, fire protection services, law courts, prisons, and research and development. The Interior Ministry appears to receive a large portion of this "public order and security" spending. In Italy's 2006 budget, the total amount allocated to the Interior Ministry was approximately $31 billion; of this amount, about $9 billion went to the Public Order and Security Department, over $2 billion to the Fire Brigade, Public Aid, and Civil Defense Department, and roughly $310 million to the Civil Liberty and Immigration Department. Some funding for Italian civil protection work and for first responders also comes from local taxes, as well as from the central government.

Over the last several years, Italy has faced serious resource constraints. Italy's economy has been sluggish with little GDP growth and an unemployment rate of 7.5%. Italy is also under pressure from the EU to rein in its rising budget deficit to bring it back in line with EU rules governing the single currency. Despite these

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[65] See the website of the Italian Intelligence and Security Services, online at [http://www.serviziinformazionesicurezza.gov.it]; "Italian Interior Minister Describes Anti-terror Measures, Training Exercises," Open Source Center, September 1, 2005.

financial difficulties, Italian officials insist that combating international terrorism is a top priority and that the 2006 budget allocates adequate funding for security. In an interview, former Interior Minister Giuseppe Pisanu also stressed that new resources must be dedicated to improving the working and living conditions of law enforcement officers, who represent the first-line of defense and are at the core of Italy's security efforts. In recent years, Italy also devoted significant financial resources to ensuring the security of the February 2006 Winter Olympics held in Turin.[66]

Changes in Italy's Security Policies Since September 11

Enhancing Law Enforcement and Intelligence Capabilities. Italy has sought to enhance its law enforcement and intelligence tools against terrorism since September 11. In December 2001, a new law took effect that applies the provisions of Italy's Anti-Mafia Act to crimes committed for the purpose of international terrorism; it extends the ability of law enforcement authorities to place suspected terrorists under surveillance, to investigate the financial assets of family members, to confiscate assets, and to facilitate wire-tapping and other searches. Following the July 2005 London bombings, the Italian Parliament passed additional anti-terrorist legislation that allows police to hold a terrorist suspect without charge for 24 hours, to question the suspect during that time without a lawyer present, and to take hair or saliva samples without consent to trace the suspect's DNA and establish his or her identity. Among other measures, this 2005 law also allows intelligence services to conduct wiretaps, increases law enforcement access to Internet and cell phone records, and introduces the ability to reward immigrants with residence permits if they cooperate with law enforcement terrorist investigations.[67]

Some experts suggest that Italy needs to improve further the coordination between and among its various law enforcement and intelligence agencies. Although Italy has arrested hundreds of terrorist suspects since September 11, Italian authorities have encountered some difficulties in securing convictions. While some analysts maintain that Italy's evidentiary bar remains set too high and that Italy's anti-terrorist laws still contain some weaknesses, others point to the lack of a central anti-terrorist prosecuting body as a key problem. Currently, anti-terrorist investigations around the country are led by 26 different regional prosecutors, who do not automatically share their findings with each other or with the intelligence services. In addition, there is no central database of terrorist suspects, as there is for the Mafia, that would enable more efficient and comprehensive information-sharing among Italy's various police and judicial entities. Italian officials have been considering establishing a national prosecuting office for terrorism offenses and a central terrorist

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[66] Alexandra Bibbee and Alessandro Goglio, *Public Spending in Italy: Policies To Enhance its Effectiveness*, OECD Economics Department Working Paper No. 324, 2002; Lindstrom, *Op. cit.*; "General Government Expenditure by Function in the EU in 2003," Eurostat, August 2005; "Italian Interior Minister Describes Anti-terror Measures, Training Exercises," *Op. cit.*; Italian Interior Ministry website, *Op. cit.*

[67] National Report of the Republic of Italy to the U.N. Security Council, *Op. cit.*; "Italy Details Tighter Antiterror Measures," BBC Worldwide Monitoring, August 19, 2005; "Europeans Weigh Security vs. Freedom," Associated Press, November 7, 2005.

suspect database, but disagreements appear to persist about its specific structure and functions.[68]

For several years, the Italian Interior Minister has also advocated unifying Italy's secret services, SISMI and SISDE, to improve cooperation. However, this proposal has foundered on bureaucratic resistance from the Defense Minister, to which SISMI reports. Other critics question whether Italy is devoting sufficient resources to enhancing its intelligence capabilities. According to press reports, sources within Italy's intelligence community have complained about understaffing and the need for more Arabic translators, Middle Eastern experts, and advanced technologies and equipment.[69]

Strengthening Border Controls and Transport Security. As noted previously, the September 11 attacks gave added momentum to Italy's efforts to tighten its border controls and clamp down on illegal immigration. Among other measures, new immigration legislation passed in 2002 requires immigrants to have a job before entering Italy, imposes stricter deportation rules, makes family reunification more difficult, and mandates fingerprinting for all immigrants requesting a residence permit or renewing an existing stay permit. In addition, Italy has not been shy about deporting radical imams and other Islamist extremists; legislation passed after the July 2005 London bombings seeks to make this expulsion process faster and expands the right to expel to regional prefects.

Over the last several years, Italy has also taken steps to improve aviation security. Following September 11, Italy reassessed its "National Security Program" for airports and air transport, which sets out regulations for all aspects of aviation security, including security checks of passengers, hand luggage, checked-in baggage, diplomatic officials, crew members, and airport personnel. The revised program also introduces the concept of "sensitive flights," or flights either from countries considered to pose terrorist risks, or going to countries considered terrorist targets. In 2004, the Italian Prime Minister issued a decree that in the event of a terrorist hijacking of an in-flight airplane, the military will be permitted to force the plane to land or to bring it down with a missile if necessary; the final decision will rest with senior political officials in the Defense Ministry. Furthermore, legislation passed in the summer of 2005 empowers the Interior Ministry to exclude private pilots with an international license from Italian airspace, and to make licensing and training of pilots subject to police authorization in certain cases that raise security concerns. In 2005 and 2006, the Italian civil aviation authority was also granted roughly $3 million in additional funding to improve security at selected airports.[70]

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[68] Tony Barber and Adrian Michaels, "Rome Scrutinizes Counterterror Strategy as Fear of Attack Mounts," *Financial Times*, July 18, 2005; Sophie Arie, "Mafia Lessons Help Italy Fight Terror," *Christian Science Monitor*, July 29, 2005; "Italy: Progress on Plans for National Anti-terrorism Prosecutor's Office," Open Source Center, November 24, 2005.

[69] "Italian Intelligence Services Lament Understaffing in Face of Terror Threat," BBC Worldwide Monitoring, July 26, 2005; "Italian Interior Minister Regrets Failure To Reform Intelligence Services," BBC Worldwide Monitoring, January 23, 2006.

[70] National Report of the Republic of Italy to the U.N. Security Council, *Op. cit.*; "Italian (continued...)

Italian officials assert that maritime and rail security has been enhanced, especially following the July 2005 bombings of London's metro and bus lines. Customs officials use targeted investigations and x-ray systems to check a wide variety of goods, and containers and large vehicles are scanned for radioactive and other dangerous materials. Several Italian ports also participate in the U.S. Container Security Initiative, which pre-screens U.S.-bound cargo, and Italy appears to be compliant with the International Maritime Organization's new security code that requires international ships and port facilities to implement tighter security regimes. Police presence has been increased on Italy's rail networks and around a number of sensitive railway stations and other rail transport systems, such as the Rome subway.[71]

Italy also places emphasis on cooperation with other EU member states, both within and outside the EU framework, as a way to better secure its borders and rationalize scarce financial resources. Italy participates in the EU's Schengen open border system, which allows EU citizens to cross into and out of Italy freely, and uses the common Schengen Information System (SIS) database to check non-EU nationals entering Italy. Over the last several years, Italy has been a key proponent of strengthening the EU's external borders; Italy has advocated greater consular cooperation and information-sharing among EU members, and called on the EU to include repatriation agreements in its cooperation treaties with African countries. Italy has also supported proposals to establish EU asylum centers outside EU territory to process refugee claims and to cut EU financial aid to countries of origin that fail to reduce the flow of illegal immigrants; other EU member states remain opposed to such initiatives, however, viewing them as too draconian and counterproductive. Bilaterally, Italy and France have established joint border controls to capture and expel illegal immigrants, and with Spain, are planning joint naval patrols in the Mediterranean to fight illegal immigration, drug-trafficking, and other criminal activity. In October 2005, Italy and France also agreed in principle to permit military flights over each other's territory if the need arises to intercept or escort a hijacked civil aircraft across common national borders.[72]

Countering CBRN Threats and Protecting the Critical National Infrastructure. Since September 11, Italy has further developed a national emergency plan to deal with the consequences of a possible CBRN incident. This plan details the types of agents that may be used during an attack and appropriate responses, contains specific measures to be taken at the local level, and provides guidance on procedures for protecting first responders. The Italian government has

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[70] (...continued)
Military Authorized To Down Planes Hijacked by Terrorists," BBC Worldwide Monitoring, April 12, 2004; "Raising the Guard," *Aviation Week and Space Technology*, August 15, 2005.

[71] "Italy Allots 10 Million Euro for Maritime Security Measures," ANSA, June 30, 2004; Ken Dilanian, "Nervous Italy Approves New Anti-terrorism Plans," *Seattle Times*, July 23, 2005.

[72] "Two Allies Approve Air Terrorism Measure," *Aviation Week and Space Technology*, October 10, 2005; Giles Tremlett, "Navy Deal To Fight Illegal Migration," *The Guardian*, December 3, 2005.

also distributed information about treatment and containment to local health authorities and the public. Italy has a network of 1,200 radiation monitoring stations across the country to facilitate the early detection of a radiological or nuclear event, and CBRN training programs for firefighters, military personnel, and civilian medical personnel are long-standing.

Italy has enhanced security around many sensitive targets, including government buildings, transport facilities, military barracks, public utilities, communication centers, and artistic and cultural sites. Since 2001, the number of such sites with increased security and surveillance has risen from about 1,900 to over 13,000. About 18,000 Italian security personnel are now involved in protecting these sites.[73]

Improving Emergency Preparedness and Response. Over the last several years, Italy has also sought to enhance its emergency preparedness and response capabilities, especially in relation to a possible terrorist incident. First responders in Italy consist primarily of emergency service personnel, firefighters, and police officers (including the *Carabinieri*); Italy also has a large pool of civil protection volunteers. Following the July 2005 London bombings, Italian officials unveiled plans for anti-terrorism drills in all big cities throughout Italy to test how emergency services would cope with all aspects of an attack, including their abilities to provide aid, maintain public order, distribute correct information to the public quickly, and begin investigations promptly. According to press reports, intelligence assessments view Rome and Milan as the most likely cities to fall victim to a terrorist attack, with their respective subway systems as possible targets. Although Italian authorities appear to believe that a conventional attack is a more likely scenario than a CBRN event, they assert that plans are also in place for isolating a contaminated area, treating those contaminated, and evacuating adjoining areas. In addition, the Interior Ministry is reportedly working on establishing psychological units to provide assistance to survivors and relatives directly at the site of an attack.[74]

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[73] National Report of the Republic of Italy to the U.N. Security Council, *Op. cit.*; Lindstrom, *Op. cit.*; "Italian Interior Minister Describes Anti-terror Measures, Training Exercises," *Op. cit*.

[74] Lindstrom, *Op. cit.*; "Italy Working on Emergency Terrorism Plans," BBC Worldwide Monitoring, July 14, 2005.

Spain[75]

Background

The March 11, 2004 terrorist attacks in Madrid threw into sharp relief the threat of Islamist terrorism in Spain. During the morning rush hour of March 11, 2004, bombs exploded on four trains on a Madrid commuter rail line, killing 192 persons and wounding over 1500. Spanish authorities later said that the Al-Qaeda-linked Moroccan Islamic Combatant Group was involved in the attacks. Many observers believe that the March 11 attacks helped determine the outcome of Spain's parliamentary election, held three days later. The Socialist Party won the election, although pre-election polls taken before the attack gave the then-ruling Popular Party a narrow majority. Prime Minister Zapatero has been careful to note that he does not see a military solution to the problem of terrorism, preferring to focus on law enforcement cooperation and by pursuing an "alliance of civilizations" with the Muslim world.

Spain, unlike the United States, has rejected a wholesale reorganization of its homeland security institutions. This is due in large part to the decades-long struggle with the Basque terrorist movement Eta. Even before the 3/11 attacks, Spain had a substantial body of law and institutional capacity to fight terrorism, perhaps more than some European countries and the United States. For this reason, the parliamentary commission that investigated the 3/11 attacks and the Zapatero government focused instead on overcoming resource shortfalls in dealing with the specific threat posed by Islamist terrorism, and on better coordination within and among existing security and intelligence institutions.[76]

Another factor conditioning Spain's approach to the issue of homeland security is that the Socialists, and many other Spaniards, are leery of draconian security polices, due to the country's experience with Franco's authoritarian rule. On the other hand, civil liberty concerns have not been as prominent in post-3/11 discussions in Spain as they have been in the United States since 9/11. This is in part because these issues have already been long debated in the context of the conflict with Eta.[77]

Spain's Security Structures

The chief Spanish ministry in homeland security affairs is the Ministry of the Interior. The Interior Ministry controls the country's large national police forces, its emergency preparedness and response efforts (including CBRN threats), and guarding of critical infrastructure. Unlike the United States, Spain has a highly centralized police structure. Spain has two main national police forces, both under

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[75] Prepared by Steven Woehrel, Specialist in European Affairs, Foreign Affairs, Defense, and Trade Division.

[76] The 3/11 parliamentary commission documents referred to in this memo were downloaded from the website of the Spanish newspaper El Mundo, online at [http://www.el-mundo.es/documentos/ =2004/03/espana/atentados11m/comision/documentos.html].

[77] Discussions with Spanish officials.

the control of the Minister of the Interior through a State Security Secretariat. The National Police Corps is responsible for security in urban areas and handles national investigations. A more heavily armed paramilitary organization, the Civil Guard, is stationed in rural areas and along highways. Border control is split between the National Police, which controls the entry of persons, and the Civil Guard, which conducts border patrolling, including at sea. (A Finance Ministry force also conducts anti-smuggling patrols.) The Civil Guard has primary responsibility for security at critical infrastructure sites such as ports and airports, as well as firearms and explosives control. Both the National Police Corps and the Civil Guard have special anti-terrorist units and intelligence bodies. Local police forces play a lesser role in counterterrorism efforts, with the exception of police in the semi-autonomous Basque and Catalan regions. The March 11 commission recommended that local police be given more training in counterterrorism, particularly involving Islamist groups.

Homeland security budgetary and policy priorities are set by the Interior Minister, with the aid of his deputy, the State Security Secretary. (The Finance Ministry sets the overall amount for Interior Ministry spending.) Proposed 2006 Interior Ministry funding for all purposes is over 5.7 billion Euros ($6.8 billion).[78] The National Police and Civil Guard, which each have their own chains of command, play a key role in setting their own budgetary priorities. The March 11 commission pointed out coordination problems between the National Police and the Civil Guard, such as a failure to share key intelligence from their informants with each other and overlapping and redundant expenditures. The Interior Ministry formed a Unified Command Executive Committee to coordinate the efforts of the two forces. However, the separate operational command structures of the two forces remain intact. The creation of the Unified Command is intended to lead to the establishment of joint units of officers dealing with terrorism and organized crime, as well as a joint database on these issues. The two forces would also pool resources in forensics, intelligence, and the disarming of explosives.[79] It remains to be seen whether these efforts will result in real change or whether old bureaucratic rivalries may re-emerge.

The Ministry of the Interior is also responsible for emergency preparedness and response in Spain. A General Directorate for Civil Protection within the Ministry is charged with developing and managing emergency preparedness programs. Spain has a federal system of government. Each local government and autonomous community (roughly equivalent to a U.S. state) develops its own emergency preparedness plans. However, in the case of a national emergency, the central government can take over relief operations immediately. The Interior Ministry has a few, small CBRN units.

After the March 11 attacks, the Ministry of the Interior put together an anti-terrorism prevention and protection plan. The plan includes a system of three readiness levels. For example, after the July 2005 terrorist attacks in London, the Interior Minister issued a "level-three" alert, which mobilized the security forces (the police and Civil Guard) for surveillance and protection of areas of high population density, as well as sensitive sites. These include transportation infrastructure,

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[78] Discussions with Spanish officials.

[79] Spanish newspaper El Pais, May 20, 2004.

shopping centers, stadiums, communications centers, and electricity, water and fuel plants.

Although the Interior Ministry has the lead responsibility in homeland security, the Spanish military also has a role. The Defense Minister has prepared a rapid-response plan for CBRN threats. Over 250 soldiers are assigned to CBRN units in Valencia, Burgos, and Madrid.[80] Spanish troops can also be called out for a "level-three" (the highest level) alert in order to guard sensitive and geographically-extensive sites such as high-speed railway lines.[81]

Spain's foreign intelligence efforts are undertaken by the National Intelligence Center (CNI), which is subordinated directly to the Prime Minister's office. The CNI's personnel are overwhelmingly drawn from Spain's Ministry of Defense. The CNI's proposed budget for 2006 is over 168 million Euros ($200 million).[82] The 3/11 commission report bemoaned the lack of a true "intelligence community" in Spain. Concerns about the lack of coordination between the CNI and the Interior Ministry led to the establishment of a National Anti-Terrorism Coordination Center after the March 11 attacks, which meets regularly to exchange information on counterterrorism issues. The 3/11 commission called for the Center to have the role of operational coordination as well as information collection and exchange.

Changes in Spain's Security Policies Since 3/11

As noted above, the 3/11 commission criticized Spanish authorities for not focusing enough on Islamist terrorism. For example, Spanish officials have admitted that police threw away wiretapping transcripts on March 11 terrorist suspects because they lacked sufficient numbers of Arabic translators. In response, the government has sharply increased resources for counterterrorism. In October 2005, Spanish Interior Minister Jose Antonio Alonso said that his ministry has 600 officers assigned to counterterrorism activities. In its 2006 budget, the government has called for that number to be increased to 900. Minister Alonso has said that by the end of 2008, Spain plans to increase this number to 1,000, which he claims will be the highest of any EU country. He added that the Ministry has hired 70 Arabic translators to remedy a "severe deficiency" in the country's intelligence efforts.[83] In 2005, Spain spent 350 million Euros ($417 million) for counterterrorism efforts, and the government budget for 2006 proposes a 5% increase to 368 million Euros ($438 million).[84]

The government has tightened control on the sale of explosives. (The March 11 terrorists had stolen their explosives from a Spanish mine.) Spain has formed

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[80] Gustav Lindstrom, *Protecting the European Homeland; the CBR Dimension*, Chaillot Paper, No. 69, July 2004, 123-124.

[81] Agence France Presse wire dispatch, July 7, 2005.

[82] Discussions with Spanish officials.

[83] *El Pais*, September 2, 2005 and October 8, 2005.

[84] Discussions with Spanish officials.

bilateral police investigative teams with France to fight terrorism, in part a legacy of the two countries' close cooperation in recent years in fighting the Basque terrorist threat. Spain has also pushed strongly for stronger law enforcement, intelligence, and border control cooperation within the European Union.[85] The 3/11 commission also proposed improved monitoring of jihadist activity in Spanish prisons, which have proved to be recruitment centers for Islamist extremists, and the dispersal of such prisoners among Spanish prisons to prevent them from working together. The government has since taken steps to disperse jihadists among Spanish prisons.[86]

Spain's security policies have achieved some successes. In addition to 3/11 suspects, Spain is also holding suspects related to the 9/11 attacks in the United States and in a planned attack on several government buildings and public landmarks in Madrid that was aborted by Spanish police in October 2004.[87] In September 2005, Spain's High Court convicted a group of Islamist extremists accused of assisting in the September 11 attacks on the United States. The group's leader, Imad Eddin Barakat Yarkas, was sentenced to 27 years in prison for conspiring with the 9/11 plotters, but was cleared of charges of murder of those killed in the attacks. Seventeen others were sentenced to lesser terms, mainly for membership in a terrorist group. Six defendants were acquitted. Suspects in the 3/11 attacks are expected to go on trial later this year.

However, Spanish officials note that the Islamist threat to Spain continues. They are concerned about possible "sleeper cells" that may continue to operate in Spain. Moreover, figures reportedly associated with the 3/11 attacks remain at large. In January 2006, Spanish police arrested a militant and 20 associates involved in recruiting Muslims from Spain to fight in Iraq. As of January 2006, over 200 men were imprisoned in Spain for offenses related to Islamist terrorism.[88]

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[85] U.S. State Department, "Country Reports on Terrorism: Spain," April 27, 2005, from the State Department website, [http://www.state.gov].

[86] "Spanish Bombings Inquiry Makes Initial Recommendations," *El Mundo*, March 2, 2005.

[87] "A Fifth of Spain's Terrorist Prisoners are Islamists," El Pais, January 3, 2005.

[88] "Spain Arrests Man Suspected of Aiding Madrid Bombers," Reuters wire service, January 12, 2006.

United Kingdom[89]

The UK's Approach to Homeland Security and Counterterrorism[90]

The United Kingdom does not have one department responsible for all aspects of homeland security and counterterrorism. Responsibility for these issues is scattered across several government departments, and the UK's approach is based on long-standing inter-governmental cooperation and collaboration, which grew out of the UK's decades of experience in dealing with Northern Ireland-related terrorism. UK policy toward terrorism and other security challenges is largely coordinated by inter-departmental committees of ministers and other government officials; specific UK ministries or departments have the lead on different issues (see below for detailed information on the UK's security institutions and structures). The September 11, 2001 terrorist attacks on the United States have focused greater UK attention on the threats posed by international terrorists and acted as a spur for UK authorities to enhance emergency planning and response capabilities.

In April 2004, the British government unveiled a new comprehensive, cross-departmental Counterterrorism Strategy (known as CONTEST) centered on the "4Ps" of prevent, pursue, protect, and prepare. Prevention work seeks to address the underlying causes of terrorism both at home and abroad; pursuit efforts aim to disrupt terrorist organizations and their ability to operate; protection measures focus on protecting the public, critical national infrastructure, and key sites at particular risk; preparedness work aims to enable the UK to respond and recover from the consequences of a terrorist attack. The "4Ps" seek to give greater coherence to UK counterterrorism measures and take advantage of existing expertise and resources throughout the UK government.[91]

Some observers view the UK approach to ensuring domestic security, combating terrorism, and protecting the British public and infrastructure as emphasizing "dual-use measures" that seek to integrate counterterrorism and preparedness programs into existing emergency management and response efforts. They argue that an advantage of this approach is that departments, agencies, and first responders maintain their

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[89] Prepared by Kristin Archick, Specialist in European Affairs, Foreign Affairs, Defense, and Trade Division.

[90] The United Kingdom of Great Britain and Northern Ireland is the collective name of four countries (England, Wales, Scotland, and Northern Ireland). Over the last decade, devolved administrations have been established in Scotland, Wales, and Northern Ireland (although the latter is currently suspended). These devolved administrations can legislate in certain areas and in some cases, have responsibilities related to some aspects of domestic security and emergency preparedness. For more information, see House of Commons Library Research Paper 03/84, *An Introduction to Devolution in the UK*, November 17, 2003.

[91] Frank Gregory and Paul Wilkinson, "Riding Pillion for Tackling Terrorism Is a High-Risk Policy," in *Security, Terrorism, and the UK*, Chatham House Briefing Paper 05/01, July 2005; Interviews of UK officials; also see the UK Home Office's security website [http://security.homeoffice.gov.uk].

skills on a day-to-day basis, and society benefits from these resources daily, but many of these same skills and resources can also be used in response to a terrorist incident. As a result, they assert that such "dual-use" mechanisms are also cost-effective, avoiding excessive or exclusive focus on the challenges posed by unconventional weapons that could draw scarce resources away from the more basic but essential activities of law enforcement, intelligence, or border controls. The UK's emergency response system and capabilities were put to the test on July 7, 2005, when four young British Muslims attacked London's metro and bus lines, killing 52 people (plus the four bombers), and injuring over 700. Despite the fatalities and the damage to the London metro system, many assess that the government and emergency services responded competently and effectively in the immediate aftermath of the crisis. As a result, the impact of the attacks on the daily life of the city and general population was marginal.[92]

The British government believes that its inter-governmental/committee approach to homeland security provides it with maximum flexibility to respond to a wide range of challenges and disasters, both natural and man-made. Given that the UK's government bureaucracy is relatively small, at least in comparison to that of the United States, this inter-governmental approach also allows for a rationalization of people and resources. A former Cabinet minister, David Blunkett, has asserted that "We believe this arrangement of central coordination, accountable to ministers, coupled with department responsibility for delivery is the best resilience structure. It engages a wider pool of expertise, avoids the need for a huge new bureaucracy at the center, while at the same time has a clear chain of command."[93]

Other British experts and officials, however, criticize the UK's inter-departmental system, arguing that it is poorly coordinated, with too many overlapping lines of authority. Some, including the opposition Conservative (Tory) party, have proposed creating a UK ministry equivalent to the U.S. Department of Homeland Security. Although the Labour government of Prime Minister Tony Blair has previously rejected this idea, a number of commentators believe that the government may be reconsidering. In February 2006, UK Chancellor of the Exchequer (or Treasury Secretary) Gordon Brown pledged to examine the case for a single security budget in the UK's upcoming 2007 spending review. Some view this statement as an indication of the government's new "open-mindedness" toward the possibility of forming a new Homeland Security ministry.[94]

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[92] Report of St. Andrews/Southampton ESRC Project on the UK's Preparedness for Future Terrorist Attack, February 2005, [http://www.st-andrews.ac.uk/intrel/research/cstpv]; Pauline Neville-Jones and Neil Fisher, "Homeland Security and the Role of Business," in Esther Brimmer (ed.), *Transforming Homeland Security: U.S. and European Approaches* (Center for Transatlantic Relations, Johns Hopkins University: Washington, DC), 2006.

[93] David Blunkett, *Civil Contingency Planning to Deal with Terrorist Attack*, 2003.

[94] Patrick Wintour, "Counterterrorism Strategy Comes Under Fire," *The Guardian*, October 24, 2005; Michael Settle, "Brown's Homeland Security Plan," *The Herald*, February 14, 2006; James Blitz, "Brown Strays From Treasury Role in Vision for Labour," *Financial Times*, February 14, 2006.

UK Domestic Security Institutions and Structures

As noted above, there is currently no single UK-equivalent to the U.S. Department of Homeland Security. Various government leaders, ministries, and departments play a role in different aspects of UK domestic security efforts and countering terrorism.

The UK Cabinet and Ministerial Committee System. The UK Cabinet is the supreme, collective decision-making body in the UK government, chaired by the Prime Minister. Much of the work of the Cabinet is delegated to ministerial Cabinet committees and subcommittees. The Cabinet Office supports the UK ministerial committee system by coordinating policy and strategy across government departments, and as such, has a role in bringing together department ministers, officials, and others involved in homeland security affairs and counterterrorism. The Cabinet Secretariat, which sits in the Cabinet Office, largely manages the day-to-day business of the Cabinet committees and is divided into six individual secretariats that support the different Cabinet committees.

The Defense and Overseas Policy (DOP) ministerial committee and two of its subcommittees — on international terrorism, and protective security and resilience — play key roles in forging long-term UK domestic security and counterterrorism policies. The Intelligence Services ministerial committee reviews policy on the security and intelligence services, including their counterterrorist efforts. In the event of an actual terrorist incident, a Cabinet-level emergency crisis management body — known as COBR (for the Cabinet Office briefing room in which it meets) — is convened to coordinate the government's immediate emergency response; COBR brings together the Prime Minister and other Cabinet ministers and officials.

The Civil Contingencies Committee (CCC) is heavily involved in longer-term emergency preparedness and response; it coordinates and continually reviews the preparation of plans for ensuring the prompt and effective delivery of supplies and services during an emergency. In July 2001, the UK government established a new Civil Contingencies Secretariat (CCS) within the Cabinet Secretariat to support the CCC, review UK emergency planning arrangements, and improve UK preparedness for and response to emergencies. CCS was originally set up in response to several crises in 2000 (including fuel protests, the outbreak of foot and mouth disease, and severe flooding), but was given new impetus after the September 11 attacks. Specific aims of the CCS include spotting trouble; assessing its nature and providing warning; being ready to respond; building greater resilience for the future; and providing leadership to the first responder community.[95]

In June 2002, Prime Minister Blair also created a new Security and Intelligence Coordinator within the Cabinet Office that some have likened to a "homeland

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[95] RAND Europe, *Quick Scan of Post 9/11 National Counter Terrorism Policymaking and Implementation in Selected European Countries*, 2002; Report of St. Andrews/Southampton ESRC Project on the UK's Preparedness for Future Terrorist Attack, *Op. cit.*; UK Home Office's security website, *Op. cit.*; UK Cabinet Office's website, available online at [http://www.cabinetoffice.gov.uk].

security chief," or the White House's now defunct Office of Homeland Security. The Security and Intelligence Coordinator is directly responsible to the Prime Minister and is tasked with coordinating and developing, across all government departments, work on counterterrorism and crisis management. Some suggest that this new position was created to give greater coherence to UK security efforts and emergency response capabilities. As the principal accounting officer for the Single Intelligence Account, which collectively funds the UK's security and intelligence services, the Security and Intelligence Coordinator plays a key role in setting priorities and budgets for the intelligence services. Among other duties, the Security and Intelligence Coordinator works to ensure the delivery of CONTEST, and is the deputy chair of the Civil Contingencies Committee. The current Security and Intelligence Coordinator is Sir Richard Mottram.[96]

Government Ministries and Other Departments. The Home Office, or interior ministry, is the government department that has the lead on several aspects of homeland security affairs, including counterterrorism policy within the UK. The Home Office is therefore the focal point for the response to the terrorist threat, both through promulgation of legislative measures and counter-terrorist contingency planning. It is also responsible for domestic security policies, planning for chemical, biological, radiological, and nuclear (CBRN) incidents, and the national counter-terrorist exercise program. In addition, the Home Office has the lead on setting immigration and asylum policy, and ministerial responsibility for the UK immigration service, which controls entry and exit to the UK at air, sea, land, and rail ports and identifies, monitors, and removes immigration offenders. The Home Secretary is a member of the full Defense and Overseas Policy ministerial committee, deputy chair of the DOP's international terrorism subcommittee, and chair of the DOP's protective security and resilience subcommittee. The Home Secretary also chairs the Civil Contingencies Committee and sits on the Intelligence Services ministerial committee.

Several other British government ministries and departments play a role in UK domestic security and the fight against terrorism. HM Revenue and Customs, a non-ministerial department that reports to the Chancellor of the Exchequer (or Treasury Secretary), has the lead responsibility for detecting prohibited and restricted goods at import and export, including those goods that may be used by terrorists. Customs officers also have the power to seize terrorist-linked cash anywhere in the UK, although the Treasury ministry has the lead in the fight against terrorist financing. The Department for Transport's Transport Security and Contingencies Directorate is responsible for the security of the traveling public and transport facilities through regulation of the aviation, maritime, and railway industries. The Health Protection Agency (HPA), a non-departmental body accountable to the Health Secretary, was established in 2003 to help provide a coordinated and consistent public health response to a range of national emergencies, from a disease outbreak to a terrorist attack.[97]

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[96] Patrick Wintour, "Security Shambles Exposed," *The Guardian*, July 23, 2002; UK Cabinet Office's website, *Op.Cit.*; Interviews of UK officials.

[97] Council of Europe Profiles on Counter-terrorist Capacity, *United Kingdom*, October 2004, (continued...)

Law Enforcement and Intelligence. Policing in the UK is largely decentralized. The Home Office has ministerial responsibility for the police services in England and Wales. The Scottish Ministry of Justice has ministerial responsibility for policing in Scotland, while the Secretary of State for Northern Ireland sets policy for policing there. Operational control, however, of all of the police services in England, Wales, Scotland, and Northern Ireland rests with the chief constable of each force. Currently, there are 43 regional police forces in England and Wales, and eight in Scotland; the Police Service of Northern Ireland (PSNI) is responsible for policing in Northern Ireland. In England, Wales, and Scotland, these regional police forces have primary responsibility for the investigation of terrorist offenses; the PSNI has lead responsibility for terrorist investigations related to the affairs of Northern Ireland. Each police force also has its own Special Branch, which works in partnership with the Security Service (MI5), the UK's domestic security service, to acquire intelligence on those who may be involved in terrorism. The Metropolitan Police (Scotland Yard) has responsibility for London and also has various specialist units, such as those that deal with anti-terrorism, that may be called upon to fulfill a national role.

In addition to the regional forces, there are a few other British police forces that may play a role in homeland security affairs. The British Transport Police (BTP) police the railway systems of England, Wales, and Scotland; the BTP is also responsible for policing some metro and commuter systems, including the London Underground. The Department of Transport has ministerial responsibility over the BTP. The Civil Nuclear Constabulary (CNC) is an armed police force that protects civil nuclear installations and nuclear materials in the UK; it operates under the strategic direction of the Department of Trade and Industry.

The UK has three main intelligence and security services engaged in the fight against terrorism. The Security Service (MI5) is responsible for the protection of national security against threats from espionage, sabotage, and terrorism. MI5 operates under the statutory authority of the Home Secretary, although it is not part of the Home Office. The Secret Intelligence Service (SIS, or MI6), the UK's foreign intelligence service, gathers intelligence overseas. The Government Communications Headquarters (GCHQ) provides signals intelligence to counter a range of threats, including terrorism, and is also the national technical authority for information assurance, helping to keep data residing on government communication and information systems safe from theft, manipulation, and other threats. Both MI6 and GCHQ operate under the statutory authority of the Foreign Secretary, although neither is part of the Foreign and Commonwealth Office. The main instrument for advising the government on priorities for intelligence gathering and for assessing its results is the Joint Intelligence Committee (JIC). The JIC is part of the Cabinet Office, and currently chaired by Sir Richard Mottram, the Security and Intelligence Coordinator. The JIC, analogous to the U.S. National Intelligence Council, is

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[97] (...continued)
available at [http://www.coe.int]; Interviews of UK officials. Also see the websites of the UK Home Office, [http://www.homeoffice.gov.uk]; the UK Department of Transport, [http://www.dft.gov.uk]; and the UK Health Protection Agency, [http://www.hpa.org.uk].

responsible for providing ministers and other senior officials with coordinated, inter-departmental intelligence assessments.

In June 2003, in an effort to improve intelligence-sharing and cooperation against terrorism further among the UK's different law enforcement and intelligence agencies, the UK created the Joint Intelligence Analysis Center (JTAC) to collate and evaluate intelligence about potential threats and provide early warning. JTAC seeks to break down institutional barriers between analysts of the different security and intelligence agencies by drawing together about 100 officials from 11 government departments and agencies, including MI5, MI6, GCHQ, the police, and the defense and transport ministries. JTAC provides both long-term studies of international terrorism and immediate assessments of current threats; it is analogous to the U.S. National Counter Terrorism Center. JTAC is responsible to the director-general of MI5.[98]

Role of the Military. Although the police and security services have the primary role in domestic protection against terrorism, the armed forces may be called upon domestically in the event of a major terrorist incident requiring military units with specialized skills (such as the Special Forces hostage rescue commandos or those trained to deal with CBRN events). The UK armed forces may also be deployed to assist in the management of a natural disaster. The decision to deploy the military to assist the civil authorities in an emergency would be made by COBR, and the armed forces would have no jurisdiction outside of supporting the civil powers. The Ministry of Defense and the armed forces are also responsible for protecting 160 key UK sites, and for guarding UK nuclear weapons.[99]

Funding

The UK's parliamentary system influences government decisions regarding homeland security budgetary priorities. The Prime Minister and his Cabinet are drawn from the political party with a majority in the House of Commons, the elected chamber of Parliament. As such, there is no strict separation of the executive and legislative branches of government in the UK. The Prime Minister, the Chancellor of the Exchequer, and the Cabinet ministers prepare the government's budget and set overall departmental budget priorities and spending limits. Given that the UK government has a majority in Parliament, the government's proposed budgetary levels are not usually contested in the same way as they often are in the United States.[100]

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[98] Council of Europe, *Op. cit.*; Report of St. Andrews/Southampton ESRC Project on the UK's Preparedness for Future Terrorist Attack, *Op. cit.*; UK Cabinet Office, *National Intelligence Machinery*, available at [http://www.cabinetoffice.gov.uk]; UK Home Office website, *Op.cit.*; Interviews of UK officials.

[99] Report of St. Andrews/Southampton ESRC Project on the UK's Preparedness for Future Terrorist Attack, *Op.cit.*

[100] Andrew Adonis, *Parliament Today* (Manchester: Manchester University Press), 1993; David Judge, *Political Institutions in the United Kingdom* (Oxford: Oxford University Press), 2005.

UK spending on "public order and security" grew from roughly $40 billion in 2001 to $53 billion in 2005. This broad category includes police services, fire protection services, law courts, prisons, and research and development. More specifically, the British government announced in its 2004 Spending Review that total spending on counterterrorism and resilience across departments will be over $3.6 billion by 2007-2008; this is compared to $2.6 billion in 2004-2005, and less than $1.8 billion a year before September 11, 2001 (these figures for counterterrorism and resilience exclude core military and police spending). Budgetary priorities in these areas have largely flowed from the "4Ps" of prevent, pursue, protect, and prepare in the UK's 2004 cross-departmental counterterrorism strategy (CONTEST), which is driving investment decisions and will guide departments as they set their detailed budgets. The Home Secretary will agree with ministers across departments on what resources they will allocate from their 2004 Spending Review settlements to deliver CONTEST before they finalize their department budgets. As noted above, the Security and Intelligence Coordinator plays a key role in setting priorities and budgets for the intelligence services. Spending for UK civil protection work, including that for the police and fire services, comes from a combination of grants from the central government and local funding.

In the immediate aftermath of September 11, 2001, the British government provided supplemental funding over previously budgeted 2001-2002 and 2002-2003 levels to enable departments, such as the military, the police, and the intelligence services to meet the increased need for heightened security measures and more counterterrorist activities. The 2004 Spending Review placed emphasis on intelligence, emergency planning, and a range of other counterterrorist and preparedness measures:

- In the area of intelligence, additional funding of approximately $214 million in 2006-2007 and $337 million in 2007-2008 will be provided for the further expansion of the three security and intelligence agencies (the current combined expenditure for the UK's three security and intelligence agencies is roughly $2.3 billion).

- The additional spending on emergency planning will double that currently received by local authorities from the central government's Civil Defense Grant per year (from $35 million to $70 million) to better enable local authorities to carry out emergency planning in light of the threat from international terrorism. This increase appears to respond to criticism that local authorities did not have the necessary resources to plan for terrorist incidents given that the Civil Defense Grant had significantly decreased between 1991 and 2001 as a result of the end of the Cold War. The Civil Contingencies Secretariat reportedly played a crucial role in securing this increase in resources for the civil protection work carried out by local authorities.

- Extra funding of about $543 million in 2006-2007 and $614 million in 2007-2008 will also be devoted to counterterrorist measures ranging from enhancing the Fire Service's search and rescue

capabilities to improving police abilities to deal with CBRN incidents to boosting port security, UK embassy security, and border controls.

In light of the July 2005 London bombings, the Chancellor of the Exchequer in December 2005 announced that a further $149 million will be provided to the security and intelligence services to aid their efforts in the fight against terrorism.[101]

Key UK Security Measures and Challenges

In the years since the September 11, 2001 terrorist attacks, the UK government has introduced a raft of new legislation and pursued a variety of measures to combat terrorism and improve UK homeland security. Following the July 2005 London bombings, the Blair government has also placed increased emphasis on promoting Muslim integration and combating extremism; many UK officials view such efforts not only as necessary to address societal divisions, but also as key prevention strategies in the long-term fight against terrorism.[102]

Enhancing Law Enforcement and Intelligence Capabilities. Since September 11, British authorities have stepped up their law enforcement efforts against Al Qaeda and members of other radical groups. Hundreds of suspects have been questioned and arrested, and UK police and security services have increased their monitoring of mosques. UK authorities have disrupted several potential terrorist plots over the last few years, such as breaking up an Al Qaeda-affiliated cell in 2003 accused of producing ricin and other chemical weapons. Law enforcement and intelligence work against terrorism are viewed as a key part of the UK's prevention and pursuit efforts. However, the evidentiary bar for convictions in the UK remains set high given Britain's strong civil liberty traditions and democratic ideals. Although nearly 900 people have been arrested since the September 11 attacks under anti-terrorism laws, only 138 have been charged with terrorist-related offenses, and only 23 of those have been convicted.

As noted above, the UK government has sought to provide extra resources to UK police and intelligence services to enable them to carry out these expanded counterterrorist duties and investigations. The increased funding for the security and intelligence agencies has been aimed largely at enhancing training and boosting recruitment, especially of individuals with Arabic and Asian language skills. Press reports indicate that MI5 has begun a recruitment campaign to increase its size by 50% (to 3,000 staff) by 2008.

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[101] See the UK's 2004 Spending Review, July 2004; the UK 2005 Pre-Budget Report, December 2005; and other budget information, all available on the UK Treasury's website [http://www.hm-treasury.gov.uk].

[102] For more information on UK legislative measures against terrorism, see CRS Report RL31612, *European Counterterrorist Efforts: Political Will and Diverse Responses in the First Year After September 11*, coordinated by Paul Gallis, pp. 99-107; for more information on UK efforts to integrate Muslims and prevent Islamist extremism, see CRS Report RL33166, *Muslims in Europe: Integration in Selected Countries*, coordinated by Paul Gallis, pp. 10-21.

Nevertheless, some observers question whether the UK is devoting sufficient resources to improving its intelligence capabilities. For example, one recent study asserts that counterterrorism work has become GCHQ's single largest collection effort in the last few years, but as a result of this new priority and still limited resources, GCHQ has been forced to reduce its collection activities in many non-priority geographical areas and even on some aspects of counterproliferation. Others point out that even with expanded security budgets and increased recruitment efforts, training new security service recruits takes time and keeping track of suspects are jobs of high labour intensity that entail difficult choices for police and intelligence services.[103]

Strengthening Border Controls and Transport Security. The September 11 terrorist attacks gave added momentum to UK efforts to tighten its immigration and asylum procedures to curtail illegal immigration and prevent terrorists or other criminals from abusing the UK's asylum system. Among other measures, the Nationality, Immigration, and Asylum Act 2002 introduces a new "right to carry" scheme requiring air and sea carriers to check a database to confirm that passengers pose no known immigration or security risks. Following the July 2005 London bombings, the UK government announced plans to: make it easier to deport or exclude foreign individuals from the UK who advocate violence and incite hatred; create a list of foreign clerics who will be denied entry to the UK; and refuse asylum to anyone with possible terrorist connections.

The UK also has long-standing legislation and security programs focused on preventing acts of violence from being perpetrated against UK air, maritime, and rail transport systems as well as the Channel Tunnel, which connects France and the UK. Some of these security measures, especially in the aviation sector, were instituted after the bombing of Pan Am Flight 103 over Lockerbie, Scotland in 1988. But since September 11, the UK has further increased aviation security measures. The wide-ranging Anti-terrorism, Crime, and Security Act 2001 strengthened aviation security by making provision for the forcible removal of unauthorized persons from aircraft or airport restricted zones. The UK has introduced more screening and searching of passengers and baggage (especially those destined for the United States and Canada), an expanded list of prohibited articles that cannot be taken on board aircraft, and intrusion-resistant cockpit doors on UK aircraft. In addition, in 2002, the UK announced a program to train armed sky marshals for use on UK-registered aircraft; press reports suggest that they are now operating on some transatlantic flights.[104]

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[103] Jimmy Burns, "Additional £330m Earmarked To Combat Terrorism," *Financial Times*, April 10, 2003; "Britain Boosting Anti-terror Security Spending," *Associated Press*, October 16, 2004; Report of St. Andrews/Southampton ESRC Project on the UK's Preparedness for Future Terrorist Attack, *Op.cit.*; Stephen Fidler, "Safety Becomes Less of a Certainty as All Sides Drive Up the Stakes," *Financial Times*, January 25, 2006; UK Home Office website, *Op.cit.*

[104] See a UK government-requested Review of Airport Security, a Report by Sir John Wheeler, September 13, 2002; available at the Department for Transport website, *Op.cit.*; "Armed Air Marshals For UK Flights," BBC News, February 14, 2003; "Armed Air Marshals on UK Flights," December 29, 2003.

Other enhanced border control and transport security measures instituted since September 11 include increased stop-and search powers for police, immigration, and customs officials; new rules allowing law enforcement agencies to request information about passengers and goods from air and sea carriers; the installation of new technology at the Channel Tunnel to check for people concealed in lorries or trains; and the introduction of equipment at all UK ports and airports to screen for illicit importations of radioactive materials. Several UK ports also participate in the U.S. Container Security Initiative, which stations U.S. customs officers in foreign ports to help pre-screen U.S.-bound cargo containers to ensure that they do not contain dangerous items such as weapons of mass destruction. The British government asserts that most UK ports, including all major and high risk ports, are in compliance with a new International Maritime Organization (IMO) code that requires international ships and port facilities to implement tighter security regimes, train staff, and draw up plans for responding to a terrorist threat; London expects that all remaining UK ports will soon be in compliance also.[105]

As for rail security, in the wake of the March 2004 bombings of commuter trains in Madrid, Spain, the British government initiated a review of counterterrorist security on the UK's railway network in conjunction with the industry and police services. Although the London Underground system has long had a protective security regime in place, the review recommended that such security regimes be extended to other underground, light rail, and tram systems in the UK; work in this area is reportedly ongoing. Following the July 2005 London bombings, the UK will conduct trial screenings of passengers and baggage at a small number of national rail and London Underground stations during 2006.[106]

Despite these efforts, some analysts point to a lack of personnel resources to ensure that all UK border control and security measures are properly implemented. For example, they contend that the Department for Transport's Transport Security and Contingencies Directorate (TRANSEC) has insufficient personnel to carry out frequent and thorough inspections of port and airport security measures, and that the UK immigration service is also understaffed. Others note that the UK has been struggling to balance new transport security requirements with the costs to the transport industry and the traveling public. For instance, press reports suggest that the Home Office was forced to scale back its original plans to require air and sea carriers to obtain additional personal data from passengers following travel and tourism industry protests that it would be cost-prohibitive and inconvenience passengers given the extra processing time it would require.[107]

Countering CBRN Threats and Protecting the Critical National Infrastructure. The British government has also put priority on countering the

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[105] "Maritime Security: Frequently Asked Questions," UK Department of Transport website, *Op.cit.*; UK Home Office security website, *Op.cit.*

[106] "Responsibilities of Transport Security's Land Transport Division," UK Department of Transport website, *Op.cit.*

[107] Andrew Clark, "Blunkett Delays Check-in Plans," *The Guardian*, July 12, 2002; Report of St. Andrews/Southampton ESRC Project on the UK's Preparedness for Future Terrorist Attack, *Op.cit.*

CBRN aspect of terrorism and improving the ability of emergency service providers to respond quickly and effectively to a CBRN incident. UK officials maintain that additional investments made to counter the affects of CBRN materials have also strengthened the emergency services' ability to respond to other types of disasters, such as those involving hazardous materials. In October 2001, the UK established a CBRN resilience program, led by the Home Office and run by a Strategic Board made up of senior representatives from all key delivery partners, such as the Departments of Health, and Environment, Food, and Rural Affairs. Under the program, the UK government points to significant improvements in the quantity and quality of personal protection and decontamination equipment for the police, fire, and ambulance services; also, by mid-2005, over 7,000 police officers had been trained and equipped to deal with a CBRN incident. In addition, the UK's CBRN work includes a science and technology program to detect, monitor, and respond better to CBRN materials and incidents; it seeks to target research and development spending at the most pressing areas where threat assessments indicate that the risks are the greatest. The UK has also devoted increased funding over the last several years to counter bio-terrorism and stockpile extra vaccines and antibiotics.

The British government maintains that it is engaged in a program of hardening a number of critical infrastructure sites, but information available publicly is limited for security reasons. The UK categorizes its critical national infrastructure (CNI) into ten sectors (communications, emergency services, energy, finance, food, government and public services, health, public safety, transport, and water) and asserts that it has special physical and electronic protective security measures in place for these sectors. Press reports indicate that MI5 has identified nuclear power stations, oil depots, and high-profile London buildings as priority terrorist targets, and it is believed that significant protection measures are focused on such sites. In December 2004, the U.S. Department of Homeland Security and the UK Home Office signed an agreement on Cooperation in Science and Technology for Critical Infrastructure Protection and Other Homeland/Civil Security Matters to allow the two countries to work together on counter-terrorism research in these areas. UK officials hope this agreement will enable each side to expand their technology capabilities, especially as regards CNI protection, minimize unnecessary duplication of work, and produce more efficient and cost-effective results.[108]

Improving Emergency Preparedness and Response. As noted previously, the UK has sought to enhance its emergency planning, preparedness, and response capabilities. The UK carries out a wide range of emergency exercises to allow the government and the emergency services to regularly practice their responses to both natural and man-made disasters. According to the Home Office, improving the ability of the police, fire, and ambulance services to deal with terrorist attacks, including those involving CBRN materials, has been a top priority. In 2002, the UK established a cross-governmental Capabilities Program, coordinated by the Civil Contingencies Secretariat, to build the capabilities necessary to deal rapidly and effectively with the consequences of all forms of disasters. The Capabilities Program

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[108] Jimmy Burns, "Task of Ensuring That Cover Is More Than Just a Front," *Financial Times*, June 22, 2002; Gustav Lindstrom, *Protecting the European Homeland: The CBR Dimension*, Chaillot Paper, No. 69, July 2004; UK Home Office's security website, *Op.cit.*

seeks to provide greater central direction to emergency preparedness and build resilience across all parts of the UK. The Program is divided into 17 different "workstreams," the focus of which ranges from maintaining essential services to dealing with CBRN incidents or infectious diseases to handling mass casualties, fatalities, or evacuations. The CCS has also established a national risk assessment process to identify risks over a five-year period and form the basis for decisions about emergency preparedness.[109]

In 2004, the UK Parliament passed the Civil Contingencies Act. This act represented the first wholesale revision of UK emergency legislation since the 1920s, and was intended to set out clear expectations and responsibilities of first responders, local and regional authorities, and the central government to improve civil protection, operational effectiveness, and financial efficiency. The Civil Contingencies Act also gives the government the power to declare a state of emergency without the approval of Parliament and to pass regulations deemed necessary for preventing or controlling a crisis, such as restricting public access to certain sites, evacuate affected areas, requisition property, or ban public gatherings. During its passage through Parliament, the act encountered some resistance from human rights and civil liberty groups concerned that its definition of an "emergency" was too broad and that it could lead to an unnecessary curtailment of freedoms. To secure parliamentary approval, the government tightened the definition of an "emergency" and included a "triple lock" guarantee to ensure that the emergency powers were only evoked in the event of a serious threat, that they were deemed necessary to cope with the situation, and were proportionate to the threat.[110]

Although analysts assess that the UK has made significant progress in enhancing its emergency preparedness and response abilities, they also point out that some challenges remain. Some experts remain concerned that the increase in funding from the central government to local authorities announced in the 2004 Spending Review is still not sufficient to carry out the additional emergency planning requirements mandated by the 2004 Civil Contingencies Act. They also point out that outside of London, which has been accorded the highest priority, there are varying levels of emergency preparedness. Many other UK regions face greater coordination hurdles, as well as equipment and training delays.[111]

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[109] UK Resilience website, [http://www.ukresilience.info]; UK Home Office's security website, *Op.cit.*

[110] "Blunkett Climbs Down Over Emergency Powers," *Financial Times*, January 7, 2004; "Q&A: Civil Contingencies Bill," BBC News, January 7, 2004.

[111] Report of St. Andrews/Southampton ESRC Project on the UK's Preparedness for Future Terrorist Attack, *Op.cit.*